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OF

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FOR THE

SECOND SESSION OF THE FORTY-SECOND CONGRESS.

1871-'72.

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TO

REPORTS OF THE COMMITTEES

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

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AFFAIRS IN THE DISTRICT OF COLUMBIA.

MAY 13, 1872.—Ordered to be printed and re-committed to the Committee for the District of Columbia.

Mr. STARKWEATHER, from the Committee for the District of Columbia, made the following

R E P O R T:

The Committee for the District of Columbia, to whom were referred sundry memorials of the citizens of said district, beg leave to report:

On the 22d of January last, the following memorial was referred to this committee:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, citizens and tax-payers of the District of Culumbia, desirous of securing good government, promoting the general prosperity, and securing an economical administration of the municipal affairs of the said District, respectfully declare that the charge brought against us of being "enemies to improvement" has no foundation either in fact or fair inference. We are in favor of judicious improvements and of liberal expenditure to meet them; but we oppose the so-called "improvements" of the board of public works, for these reasons:

First. The thirty-seventh section of the act of February 21, 1871, has been violated in several particulars; the board of public works has usurped authority to make improvements not "authorized by law," not "intrusted to their charge by the legislative assembly or Congress."

Second. The plain intent of the act, that two members of the board should be citizens and residents of the city of Washington, has been violated.

Third. In seven months appropriations for contingent expenses have been demanded by the executive and the board, and made by the legislature, to the extraordinary amount of over two hundred thousand dollars.

Fourth. Whereas it was expressly provided that there should be a civil engineer on the board at a salary of \$2,500 per annum, paid by the United States Government, the board imported from New York, at a salary of \$8,500 per annum, an engineer whom it has since dismissed, and is now trying to make the scapegoat of its blunders.

Fifth. The city hall (a fire-proof building) was abandoned, and four separate buildings for the different branches were hired and fitted up at an expense of not less than \$100,000.

Sixth. The legislature, at the instigation of the board, has passed two loan bills of \$4,000,000 each, for improvements. Each bill involves an additional special tax of \$2,000,000 on private property; and this whole sum of \$12,000,000 is to be placed absolutely, and without restriction, in the hands of five men.

Seventh. An unparalleled profligacy in advertising has been exhibited, in the employment of fifteen newspapers, bearing an ominous resemblance to subsidizing the press of the District.

Eighth. It has created many new bureaus, largely increasing the number of corporation officers, and the rate of their salaries.

Ninth. It hired thousands of men, carts, and wagons, many of them from the adjoining States, at extravagant cost, just before the election.

Tenth. Two elections have been held within a year, (only one being necessary,) at an expense exceeding one hundred thousand dollars, including registration and advertising.

Eleventh. Contracts involving enormous costs have been made unlawfully before appropriations were made for carrying them out.

Twelfth. It has altered grades without discretion or fixed plan, and has laid down

much pavement and gutter, evidently designed to be only temporary, and some of which has already been replaced.

Thirteenth. It has cut down, filled up, narrowed, and "parked" streets without consulting property-owners, frequently against their expressed will, and generally to the absolute detriment and deterioration of the real estate of the city.

Fourteenth. It has filled up, narrowed, walled, and otherwise manipulated the canal, both by itself and in connection with the sewers, so injudiciously that not only has some of the most costly work (on Seventeenth street) proved a palpable failure, but we are actually threatened with inundation and pestilence.

Fifteenth. In brief, these so-called improvements are carried on without judgment or coherence, hastily, at a wrong season of the year, and on a scale of recklessness which threatens the real estate of the District with a burden amounting to confiscation.

Finally, the transactions of the board have been kept secret, and the citizens have had no opportunity of access to its records or official information concerning its contracts.

Your memorialists are convinced that the above reasons (many of the abuses enumerated in which are either analogous or precisely similar to those which characterized the recent misgovernment of the city of New York) will stand the test of rigid scrutiny; and they therefore pray that the memorial and accompanying papers be referred to a committee of your honorable bodies, that our grievances be inquired into and such redress granted as may seem just and proper.

Subsequently other petitions and letters representing the views of sundry citizens of the District were referred to the committee, all of which have had full and patient consideration. The investigation was pursued diligently, extending over a period of more than ninety days. More than two hundred witnesses were examined, together with a large amount of documentary evidence and records. Both the memorialists and respondents were represented by counsel, and the hearing was public and open to all the people of the District. A large proportion of the evidence offered by the memorialists was by them deemed applicable to the charges in the memorial. There was, however, an attempt made to show that the board of public works had, in their official capacity, acted corruptly, and been influenced by motives of personal gain. This was, however, abandoned at the close of the investigation, the counsel stating that no such claim is now made by them. The committee on this point were unanimously of the opinion that the evidence showed there was not the least foundation for such a charge.

The first charge in the memorial against the board of public works, is in the following language:

The thirty-seventh section of the act of February 21, 1871, has been violated in several particulars; the board of public works has usurped authority to make improvements not authorized by law, not intrusted to their charge by the legislative assembly or Congress.

By the organic act establishing a government for the District of Columbia, the board of public works is made an important department of the Government. They are to be appointed by the President and paid by the United States. They are given the "entire control of," and are to make "all regulations which they shall deem necessary for keeping in repair the streets, avenues, alleys, and sewers of the city, and all other works which may be intrusted to their charge by the legislative assembly or Congress." They are also "to disburse all moneys appropriated for the improvement of streets, avenues, alleys, sewers, roads, and bridges."

The only limitation upon their powers in this behalf is the provision of the organic act, "that they shall have no power to bind the District for the payment of any sum of money, except in pursuance of appropriations made by law, and not until such appropriations have been made."

The memorialists claim that this restriction has been violated, and that the board have made contracts for improvements not in pursuance

of appropriations, and not warranted by any appropriation made by the legislative assembly.

On the 10th day of July, 1871, the legislative assembly passed what is called the first four-million act. It authorized an issue of bonds to the amount of \$4,000,000, and their sale to raise money. In the same act the District legislature appropriated the whole sum of \$4,000,000 "for the improvement and repairs of streets, avenues, alleys, and roads in the District of Columbia, and for the construction and repair of sewers, bridges, and other public works therein, to be used and expended according to the provisions of the organic act, *and as fully as may be practicable and consistent with the public interests*, in conformity with the plan of improvements submitted to said legislature by the board of public works of said District, in its communication bearing date June 20, 1871."

On the 11th of August, 1871, the legislative assembly passed an act authorizing the governor of the District to anticipate the revenue of the District to the amount of \$500,000, "which sum shall be expended and disbursed for the improvement and repair of the streets, avenues, alleys, and roads in the District, and for the construction and repairs of sewers, bridges, and other public works therein," &c. This appropriation was subject to no restriction or limitation whatever, except in the object and purpose for which the money was to be expended. The second section of the four-million act contains a limitation, which, standing alone, would seem to be much more restrictive upon the power of the board than the language of the first section; but it cannot be supposed that the legislature intended to nullify or abrogate any part of the first section or to make it inoperative. The act must be construed together, and all its language have given to it force and effect, unless so repugnant that some part must be rejected. We think the qualifying words of the first section must be held to apply to and equally qualify the second section.

The board of public works did make contracts for some improvements not specified in the plan presented to the legislature, and for some of the improvements specified they expended more than the estimate for the work. Did they therein violate the law, and was this not in pursuance of any appropriation made? It is not claimed but that the additional improvements made, which were not specified, were in entire harmony with those which were specified, and were but an extension and enlargement of the plan before the legislature. The committee are satisfied that the legislature did not intend to limit the authority of the board in making improvements to a strict and literal following of the exact plan presented. It had been somewhat hastily prepared, and it seemed to be understood that, to some extent, it was incomplete, and the legislature only intended that the plan should be the general guide as to the kind and character of the improvements to be made with the money appropriated, so that if this charge rested alone upon the appropriation made in the four-million act, it is difficult to see that it has been violated. But if this were otherwise the \$500,000 appropriation for improvements was without any restriction whatever, and is sufficient to cover all expenditures made by the board for improvements that are not specified in the plan of improvements which had been laid before the legislature.

It has been urged that by this construction of the laws passed by the District legislature a very great, if not dangerous, latitude was given to the board, so that they really were allowed to expend the money for improvements according to their own discretion. The appropriations

were very loosely made, and it does appear that the legislature intended to confer the power upon the board to expend the money upon such improvements as they deemed expedient. Whether they judged wisely or not it cannot be said that the board violated the law in making contracts and expenditures for improvements which the legislature had left to their judgment and discretion.

It is not necessary here to discuss or attempt to decide how limited and specific the legislative assembly may make their appropriations, and thus virtually make all improvements to depend upon their own views of their necessity and propriety; many, if not all, the members of the committee, are satisfied they may properly restrict their appropriations much beyond what they did in the acts above quoted. It is enough for the present purpose to say that as the appropriations were made, there was no limitation or restriction placed upon them which has been violated. In relation to this charge it is somewhat difficult to see the occasion for asking the interposition of Congress, even if the board had expended money for an improvement without a proper appropriation therefor by the District legislature, when the improvement itself is a proper and beneficial one, and the legislative assembly are satisfied and make no complaint thereof. If the money were expended for an improper purpose, or corruptly misapplied, an appeal to Congress might be necessary and justifiable, as the board are appointed under the authority of the General Government; but when nothing of this kind is claimed to exist it would seem properly to rest with the District legislature to complain that their appropriation had been disregarded.

The committee may as properly here, as upon any of the particular charges, say that while, in all these improvements, they find great cause of commendation for the energy and liberality and generous desire to improve and beautify the national capital, on the part of all departments of the District government, they also find the ordinary and usual errors attendant upon the establishment of a new system of government. There was inexperience on the part of many; there was the lack of careful and cool legislation. In the anxiety to redeem the city from the charge of being behind, in its streets and public institutions, other cities of the country, the new authorities became somewhat intoxicated with the spirit of improvement.

The committee are disposed to think that more work of improvement was undertaken at once than was wise, though the delays caused by the injunction, and the suspension of work by the unusually early winter, make it impossible to say whether all the work begun could have been completed if these drawbacks had not existed. The result that many of the public streets were left in a broken-up condition through the winter doubtless caused much of the disaffection among citizens. The committee are also prepared to believe that all the District authorities, at the outset, were not sufficiently mindful of the small extent of their official jurisdiction and the slender constituency upon which all the public burdens were to rest, and that, therefore, sufficient care was not taken to have rigid economy prevail in every department, and no unnecessary drafts made upon their small treasury. This evil was, doubtless, magnified by the fact that all governmental work and governmental expenditures, which had been carried on before their eyes, had been upon a scale so much greater than the resources of the District would justify, and the error was in not keeping this difference sufficiently in mind. These errors were such as time and experience would soon demonstrate, and the committee find that many of these expenditures have already been curtailed,

and the necessity of a more stringent economy has been learned, and now prevails, in the conduct of their public affairs.

In regard to the second, third, and fourth charges, the committee were of opinion that the board had acted legally, in good faith, and with proper discretion.

In regard to the fifth charge the committee were of opinion that the city hall did not furnish suitable and sufficient accommodations, and that procuring office-room elsewhere was justifiable and expedient. If the expense of fitting up Morrison's building was excessive, the error arose from oversight, which the authorities seemed to have earnestly endeavored to remedy, by largely reducing the bills on settlement.

In regard to the sixth charge, it is but fair to state that the board of public works at no time contemplated the use of but one of the \$4,000,000 loans. They so stated before the investigation commenced; the governor had previously so declared in a public letter, and the District government had so voted. At their suggestion a bill was introduced, with the sanction of this committee, and passed Congress, prohibiting the use of but one of said loans. This reduces the eight millions to four millions, and limits the special tax for improvements to two millions.

In regard to the seventh charge the committee were unanimously of the opinion that a large portion of the expense for printing and advertising was unnecessary; that the publication in three or four newspapers having the largest circulation in the District would have answered the purposes as well, so far as notice to the public was concerned; and while none of the papers claim to have charged more than their ordinary rates for advertising, it is manifest, taking into account the amount of work done, and the fact that these notices were continued for several weeks in the several papers, that the rates charged were unreasonable. We do not find that the board of public works encouraged this extravagance, but we do find that it was the duty of the legislative assembly to have carefully scrutinized these bills and largely reduced the amounts before paying them.

In regard to the eighth charge, the committee are of opinion that the number of corporation officers at first was larger than was needed; but these officers have since been reduced, so that the number is not now larger than seems to be necessary to do the business of the District properly.

In regard to the ninth, tenth, eleventh, twelfth, thirteenth, and fifteenth charges, the committee are of opinion that there is no just ground for any censure of the board of public works. No extraordinary means appear, by the evidence, to have been used to carry the election; nor was there any evidence of the importation of voters from adjoining States. The second election was in consequence of the injunction, and for the purpose of taking the sense of the people upon the \$4,000,000 loan. The evidence does not show that contracts were made before appropriations, and the contracts were carefully made, for good work at low prices; and the plan of the board for the improvement of the District, in grading, paving, and parking the streets, will, we believe, if carried out as a whole, prove beneficial to the city and increase the value of real estate, as well as greatly improve and beautify it.

The fourteenth specification in the memorial is as follows:

It has filled up, narrowed, walled, and otherwise manipulated the canal, both by itself and in connection with the sewers, so injudiciously that not only has some of the most costly work (on Seventeenth street) proved a palpable failure, but we are actually threatened with inundation and pestilence.

The charge as made does not allege any violation of law on the part of the board of public works, but merely that what they have done has been injudicious, productive of useless and wasteful expense, and of threatened inundation and pestilence. But in the hearing before the committee, and in the argument on behalf of the memorialists, much stronger ground is taken. It is claimed that their action has not only been unwise and injudicious, but that they have been guilty of clear and gross violations of law in what they have done. Though this charge is not put in issue by the memorial, the committee have considered it, and deem it just to report their conclusion.

By an act of Congress passed July 15, 1870, certain officers and other persons to be appointed were constituted a commission, "who shall cause the Washington City Canal, *either in whole or in part*, to be dredged, or, if deemed best, dredged and narrowed, or arched and converted into a sewer," &c. The cost of the work by the same act was limited to \$150,000, one hundred thousand to be paid by the city of Washington and fifty thousand by the General Government.

In November, 1870, the commissioners provided for by the act above named entered into a contract with Teemyer & Co. "to dredge and clean out the Washington Canal its entire length and breadth, including the outlets to the river channel," in accordance with plans and specifications which had been prepared for the purpose. Afterward the contract with Teemyer & Co. was modified, and a provision made for narrowing the canal.

By an act of Congress, passed April 20, 1871, all the powers of the canal commissioners under the above act were transferred to the board of public works. This last act also provided that if the board decided to open the canal, they might open both its branches so as to connect with the Government canal at the arsenal. After the jurisdiction had been thus transferred to the board of public works, and after a great deal of examination and discussion, not only by the board, but by the citizens and the public press, it was decided to wholly fill up the canal from the point where Tiber Creek intersects it westward, to the river, and as it was found impracticable to convert the canal into a covered sewer, to build a large sewer along by its side to supply the sewerage formerly afforded by this part of the canal, the board have filled this portion of the canal as far west as Sixth street, and for the same distance have constructed a large parallel sewer.

The board also decided to open what is known as the "James Creek Canal" to connect that portion of the canal, not proposed to be filled, with the Government canal at the arsenal, and this work is in process of construction. Now, it is claimed by the memorialists that all this is illegal, not warranted by the legislation of Congress on the subject.

The committee think it is clear that by the act of 1870, Congress intended to submit it to the judgment of the commission created by the act, to determine whether the canal should be kept open for use *as a canal*, or whether it should be closed and destroyed *as a canal*, and its use and service as a sewer merely supplied by a covered one. The words "*either in whole or in part*" pervade the whole act. The commissioners might dredge the whole canal or a part; they might narrow the whole or a part; they might keep a part of it open, and convert the rest into a covered sewer. The same powers were transferred to the board.

It is not claimed in the elaborate and able argument of Mr. Coombs, on behalf of the memorialists, that if it was decided to destroy the canal, as such, and make a sewer in its stead, and it was found impracticable to build the sewer in the bed of the old canal, but that it would be a

substantial compliance with the purpose and spirit of the law to wholly fill the canal and build the sewer by its side. By the law the commissioners are to decide between an *open canal* and a *covered sewer*. The precise form was not material; the law looked to the general purpose and object to be attained. The argument of Mr. Coombs on this point is founded on a fallacy so palpable that it is surprising that he did not discover it himself.

The city councils of Washington, soon after this work had been transferred by Congress to the board of public works, made an appropriation to pay the proportion of the city for the canal improvement, and the act contains these words: "So far as the work of dredging the same shall have been done according to the terms of the contract." Now it is claimed that this language is equivalent to an express condition that the appropriation should be used only for the purpose of opening the canal.

It may well be doubted whether such limitation can be drawn from the expressions used; but conceding that such was the purpose and clearly expressed language of the city appropriation, the more important question is, what effect had it upon the powers of the board? The board derived their powers directly from Congress, and in no part from the city government. Congress decided how much Washington should pay, and it was to be paid for the work done in any of the forms Congress authorized. The assent of the city, or the city authorities, had nothing to do with the matter, and no voice was given them in deciding what should be done. It was of no consequence in what form or upon what conditions they made their appropriation, or whether they made any at all, or even refused to make one. Congress decided how much they should pay and for what object; and if they refused to pay, had ample ways of compelling it to be done. Nothing can be plainer than the fact that the rights and authority of the board were unaffected by the form of this appropriation.

It is claimed, too, that as the board decided to fill up one branch of the old canal, they had no right to open the new one to connect with the arsenal canal; that this authority was only given in case they decided to keep the whole canal open.

The committee see no well-grounded foundation for such claim. The language of the act, transferring the canal improvement to the board of public works, is to be construed in connection with the first act, and the authority therein given, to fill a part and keep open a part. The board are not required or commanded to connect both branches of the canal with the arsenal canal. They are *empowered* to open both branches so as to connect, &c. Under it they had authority to connect both branches or either branch, or not to connect at all. They had room to exercise the widest judgment in this respect.

Without taking further space, it is sufficient to say that the committee do not find that these acts of the board, in relation to the canal, were done without legal authority or in violation of law; but that, on the contrary, they were clearly and plainly within lawful authority.

Upon this canal subject there is a point upon which the committee are not so clear that some occasion is not furnished for censure.

The contract with Teemyer & Co. was outstanding when the work was transferred to the board, and that company commenced work under it about the same time. They were allowed to continue work under their contract, dredging and narrowing that part of the canal which was afterward, by the board, decided to be filled. This work of course became a total or nearly total loss. Precisely how much was thus ex-

pendent is not clearly shown, but probably from forty to fifty thousand dollars. The board, after deciding to suspend this work on this part of the canal and to fill it up, settled with Teemyer & Co. for what had been done under their contract. Teemyer & Co. claimed damages for having been delayed in their work, and the whole matter was compromised. It did not clearly appear whether they received full contract price for the work they had done or not. A large amount of evidence was taken on this subject. The memorialists claimed that the work done by Teemyer & Co. was not done according to the specifications, and was so defective as to be of no real value. The board claimed that the work was done according to the specifications, but that they were defective. The committee think both the specifications and the work were defective. The only importance of determining which was most in fault would be for the purpose of judging the propriety of the settlement the board made with Teemyer & Co. If that part of the canal is to be filled, as the board have decided, it is a matter of no consequence whether the dredging and narrowing was well or ill done. It would be wholly lost if ever so well done. It is certainly a matter of serious regret that so much money should thus have been thrown away and that the work could not have been sooner stopped.

But there was a great conflict of opinion as to the propriety of filling the canal. Very learned and competent men held decidedly adverse and opposite opinions on the subject. The people residing here were much divided in sentiment. The board themselves were not unanimous in their judgment for a considerable time. These things, of course, were obstacles in the way of deciding the question, and both time and Teemyer & Co.'s contract run on before it was settled. If the work had been suspended during the discussion and settlement of this question the contractors would doubtless have been entitled to damages for the delay to them, but this would have been a less evil than to let the work go on and be a total loss. If the work had been suspended while the question was under discussion, it is altogether uncertain how much would have been saved, but something doubtless would, under ordinary circumstances. It is clear enough that the board took no more time for deliberation than was reasonable. About all that can be said is, that it was very unfortunate there should have been so much delay, when the expenses of the work on the canal were so great.

Upon the propriety of filling the canal, or keeping it open, the committee had more evidence than on any other single subject. The opinions were as opposite and decided as when the question was before the board, and each had grown more confirmed by further reflection. Without going at all into the evidence or the grounds taken for and against the plan of the board, the committee have arrived at the same result the board did. The evils feared, *inundation* and *pestilence* from filling the canal, we do not think are at all likely to follow as consequences. The board acted with great deliberation and caution in coming to their conclusions, and we believe decided correctly. If it turns out that both their judgment and that of the committee are unsound, we feel that, as against the board, it can be classed only as an error of judgment, for their decision, we believe, was as conscientiously made as our own. The James Creek branch we think a great improvement. The Tiber must have an outlet to the river. By the James Creek branch its outlet is much shorter and more direct, and it ends in the deep and rapid current of the river, instead of the more shallow and sluggish water of the Eastern Branch. It will also afford wharfage and lumber-yards in abundance in that part of the city appropriate to such uses.

In regard to the last charge the committee do not find that the transactions of the board have been kept secret, or that the citizens have been denied access to its records or information as to its contracts, but that there has been as much publicity and means of knowledge as exists in reference to municipal transactions in any city. There is in fact no evidence before the committee that in a single instance information has been refused when applied for to the proper officer.

In the course of the investigation much evidence was offered in regard to the F street improvement, so called. With reference to the plan, the expense incurred, and the effect of the change of the grades on the property on said street, it would be impossible in this report, without extending it to great length, to review the testimony; but the committee are of opinion on its full and careful examination and personal inspection of the locality that, while the expense was large, the improvement was judicious, desirable, and fully justified the expenditure. While many complaints have been made by some of the parties in that locality in regard to its effect upon their property, it adds much to the value of nearly every piece of real estate, opens the whole section with uniform grades to the river, and the change of grade was indispensable in view of the construction of the new building for the State, War, and Navy Departments.

The committee are of opinion that provision should be made by law to adjust and apportion the damages and benefits caused by such improvements so that those who are injured may be compensated in some part, at least, by those who are benefited. Such provisions are made in most, if not all, other cities. There is manifest injustice in requiring those who are specially injured by a general improvement to pay for the work and bear the loss, while those who are benefited are permitted to enjoy it at the cost of the injured. It was, in fact, in evidence before the committee that the local legislature of the District did pass an act intended to cure this defect in the law, but that, by some verbal error, the same was found defective. The committee recommend that such a law as is above suggested be enacted.

There was also much evidence offered in regard to the expenditure on the Seventh street road. This road was the only one extending north to the District boundary and into Maryland. At times its condition was almost impassable. The testimony is very voluminous on this subject, coming from a large number of witnesses. The committee are of opinion, on a review of all the evidence, that the improvement was needed, the work has been properly performed, and at reasonable expense.

Considerable evidence was adduced before the committee on the Tiber Creek sewer. It was claimed by the memorialists that it was insufficient to carry off the water of the creek; that the work was improperly done, and the price paid for the same extravagant. A large number of witnesses, some of them practical engineers, were called on this point. After a review of the evidence, the committee find that the sewer has the same capacity of the sewer through the Botanical Gardens, built by the United States, which has been amply sufficient to discharge the water; that the amount paid for its construction was reasonable—much less in fact than the price paid the contractors who built the sewer through the Botanical Gardens. The preponderance of the evidence clearly shows that the sewer was of sufficient size and of such capacity as fully warrants its construction, and the work was most substantially performed.

The memorialists claimed and offered evidence to show that the Slash

Run sewer was so imperfectly constructed that portions of it fell in. The committee, upon an examination of the testimony, find that a small portion of said sewer did fall in, or was crowded in, by a large embankment falling against the wall, but that the contractors were required to repair it before the work was accepted. Your committee are of the opinion that the work taken as a whole was well done; that proper material was used in its construction, and that the sewer will subserve the purposes for which it was built.

Much evidence was submitted to the committee on both sides in regard to the pavements of the city. The memorialists claimed that they were very defective, and that the cost of constructing them was far in excess of proper price. The uniform testimony, however, of all competent persons was that no good wood or concrete pavements can be laid for less than \$3 per square yard; prices in all other cities generally exceeding that sum.

The committee were not able to find that the board could procure good wood or concrete pavements laid for less than the prices paid by them, which was \$3 or \$3.20 per square yard, including two feet of grading in depth. With regard to the defects that were proved to exist in some of the pavements, it is to be observed that they resulted from too great haste in attempting to lay them in bad weather. But it does not appear in any case that the contractors intentionally laid inferior pavements. Many of the defects were the result of defects in the foundation below the pavements, and all are to be remedied by the contractors, who are bound by contract and by bond in every case to keep the pavements in good repair for three years.

The committee do not undertake to decide how far it would be expedient, in a city of this size, where the streets are so wide, to lay expensive wood or concrete pavement. It may be that the wiser course to pursue would be, after the heart of the city has been finished, to adopt, for remaining streets and avenues, either Belgian, macadamized, or gravel roadways. Concrete and wooden pavements and all new pavements are somewhat experimental, and will be for years to come. Time and careful observation alone can determine their relative value or the wisdom of their adoption.

The original plan of the city, with its wide streets and avenues, and the numerous squares abutting upon them reserved to the United States to be kept open forever for the public use or to such uses only as the United States shall appropriate them, demonstrate the propriety and the original intention of the General Government bearing a proportion of the cost of improving and keeping them in repair. This plan was adopted because it was to be the capital of the Republic, and that it might be adequate to the growing necessities of the great people who, with prophetic vision, the Father of the Country saw and seemed to comprehend would be represented here. This single suggestion, together with the fact that the United States has reserved to itself and still holds so large a proportion of the real estate of the District, shows beyond the necessity of argument the manifest injustice of devolving the whole expense of such improvements upon the citizens or upon those who may happen to own some of the lots of Washington.

The question was raised and argued whether the system of improvements that was adopted and being carried out in the District will not result in too great taxation and too heavy a debt. This matter is somewhat important to the people of the District, and the committee feel called upon to state the exact condition of the District finances.

Upon the advent of the District government the debt of the city of

Washington, the city of Georgetown, and the levy court, (which was the corporate government for the county of Washington,) was not ascertainable from any records in the offices of these corporations. This debt consisted of bonds, certificates of indebtedness, outstanding bills and claims unrepresented and presented, trust funds used for other than the purposes for which they were set apart, contracts executed by the late corporations and assumed by the new government, and current and overdue interest on bonds. The governor found it necessary, in order to determine the condition of the District finances, to convene an auditing board, and call upon the creditors of the old corporations to present their claims for audit. This board reported the rate of the indebtedness to January 3, 1872, as follows:

Washington, D. C	\$2, 966, 093 27
Georgetown, D. C	261, 463 37
Levy court, D. C	28, 825 84
Total indebtedness of the late corporations.....	<u>3, 256, 382 48</u>

The board further report as additional indebtedness of the corporation of Washington the following:

TRUST FUNDS.

Special-tax fund.....	\$22, 874 04
Water fund	69, 776 92
Canal fund	68, 022 04
Ten-year bond sinking-fund	125, 644 58
Total amount trust funds.....	<u>286, 317 58</u>

This last amount was misapplied by the late corporation of Washington, by using trust funds to pay current expenses of the corporation, and thus it became a debt for which the new government is forced to provide.

In addition to the foregoing were certain uncompleted contracts which may be regarded as a debt imposed by the old upon the new government. These were for the construction of school-houses and paving of certain streets, and amount to \$707,338.71.

There was also to be provided for certain overdue and current interest upon the bonds of the late corporations of Georgetown and Washington, which was paid by the new government, and thus went to swell the debt entailed upon the District. This amounts to \$131,258.60.

The total indebtedness thus set forth, and for which the District government had to provide, amounts to \$4,381,297.37.

The indebtedness created by the new government appears from the report of the comptroller, as follows:

Date authorizing act—legislative assem'y.	Description.	Totals.
DISTRICT OF COLUMBIA.		
July 10, 1871	Permanent-improvement bonds—authorized, \$4,000,000; not issued, \$2,000,000.	\$2, 000, 000 00
July 20, 1871	Water-stock bonds	450, 000 00
August 23, 1871	Market-stock bonds—authorized, \$300,000.	Not issued.
October 18, 1871	Chicago relief bonds—authorized, \$100,000	Not issued.
	Total.....	<u>2, 450, 000 00</u>

The comptroller excludes the unissued bonds, but the committee regard the bonds as a debt, although not yet issued, which gives a total of	\$4,850,000 00
Adding to this the amount of the debt of old corporation above given	4,381,297 37
Makes total debt of the District of Columbia	<u>9,231,297 37</u>

Of the \$4,000,000 loan the board of public works have expended \$2,000,000, but nearly one-third of this sum is to be assessed upon property improved, and will replace to that extent the moneys already expended, so that but a little over one million dollars of the four million have been used. By the judicious expenditure of this balance, the District will be placed in a creditable condition, and as thus improved will, as the evidence shows, be able to sustain a debt of \$10,000,000.

Much evidence was introduced to show that the four-million bonds were unwisely negotiated and at below their value. It appears from the testimony that the loan was negotiated in New York City at 94 cents net on the dollar. The old bonds of the city of Washington, before the new government went into operation, sold as low as 80 cents on the dollar.

Several leading bankers of Washington, among them Mr. George W. Riggs, testified that the governor negotiated the loan at a good figure, Mr. Riggs being of the opinion that the price was more than the bonds were worth then or now. As further evidence of the advanced credit of the new government, it appears that the governor has negotiated the water-bonds at par.

An attempt was made to show that the sale of the four-million bonds in Europe resulted in considerable profit to the purchasers, and that the facts were misrepresented abroad. The testimony shows that the governor had no knowledge of the negotiation in Europe, and had nothing whatever to do with it.

Much testimony has been presented to show that, under the management of the present district government, the debt is rapidly increasing, and the rate of taxation must inevitably be much greater than at present. The present rate of taxation on real property is \$1.70 upon each \$100.

As to the total indebtedness increasing indefinitely, the matter is settled by recent act of Congress limiting the amount to \$10,000,000; and no greater debt can be created without the assent of Congress.

As to the increase of the rate of taxation, the committee can only judge from the evidence before them, and, thus judging, it is believed that there will be no necessity for increasing the rate of taxation, in view of the ten-million limitation just referred to. But in no case can it exceed 2 per cent. on \$100, as was provided by the organic act, and the recent law of Congress.

The improvements now going forward have tended to advance the value of real estate in all parts of the District, and, the evidence shows, much beyond the increased assessed valuation.

The last general assessment made in the District prior to the organization of the present government was in 1868-'69, which gave a total valuation of about \$62,000,000 as the basis of taxation. To this was added the value of the improvements made upon the property from year to year, but no general assessment was made until ordered by the new government and now being completed.

This new assessment will show an assessable valuation of little less than \$90,000,000 real estate and \$12,000,000 personal property.

Evidence was introduced to show that the assessment is beyond the actual value, but, while this is true in some cases, the committee are satisfied that the true value of the property of the District is above the assessment. A board of assessments is now in session to correct errors.

In passing upon the conduct of the gentlemen comprising the board of public works, whose high character is already known to the people of the District, and in finding all charges of corruption, misconduct, or serious mismanagement not proved, the committee do not wish to be understood as asserting that they have not made mistakes. The new government has but recently been organized. There was a universal demand for extensive improvements during the first season, which the board naturally determined to attempt to comply with. But the injunction sued out against their proceeding, together with the early, cold, and long winter, were unforeseen obstacles, which rendered it impossible fully to carry out the plans for 1871.

On the other hand, however, it must be remembered that the District has realized the benefit of a very favorable negotiation of its four million loan, at a rate advantageous in itself, and which has raised the credit of the District to a high point, as shown by the negotiation of its water-bonds at par. The governor and members of the board are, on the whole, entitled to the favorable judgment of Congress, and are to be commended for the zeal, energy, and wisdom with which they have started the District upon a new career of improvement and prosperity; and the District itself is entitled to fair and generous appropriations from Congress, in some manner corresponding to the valuation of the property owned by the United States.

H. H. STARKWEATHER,
Chairman.

W. WILLIAMS.
LUKE P. POLAND.
C. B. DARRALL.
A. C. HARMER.
AYLETT R. COTTON.
C. A. ELDRIDGE.

The first of these is the fact that the United States is a young nation. It is only about 150 years old, and in that time it has achieved a remarkable record of growth and progress. This is due to a number of factors, including the abundance of natural resources, the energy and ingenuity of the people, and the favorable geographical location. The second factor is the fact that the United States is a free nation. It is a land of opportunity, where anyone can succeed if they are willing to work hard and take risks. This has attracted immigrants from all over the world, who have brought with them their skills and talents, and have helped to build the nation into the great power it is today. The third factor is the fact that the United States is a united nation. Despite the fact that it is a large and diverse country, with many different languages, customs, and religions, the people of the United States are united by a common sense of purpose and a common belief in the values of freedom, justice, and equality. This unity has been a major factor in the nation's success, and it is a source of pride for all Americans.

VIEWS OF THE MINORITY.

To the House of Representatives :

The minority of the Committee for the District of Columbia, to whom, on the 22d of January, 1872, was referred for investigation the memorial of over one thousand citizens and tax-payers of said District, complaining of the District government and board of public works, dissenting from the opinion of the majority, as embodied in their report, ask leave to present their views, as follows :

In our opinion, many of the grievances complained of by the memorialists are fully sustained by the evidence taken, which is very voluminous, and we find it difficult to do justice to the subject in a report of any moderate length. We shall, therefore, confine ourselves to what we conceive to be the most important charges, and attempt to give our reasons in brief for the conclusions to which we have come.

The first charge made by the memorialists is that "the thirty-seventh section of the organic act, approved February 21, 1871, has been violated in several particulars; the board of public works have usurped authority to make improvements not "authorized by law," not "intrusted to their charge by the legislative assembly or Congress."

This section, among other things, declares "That said board of public works shall have no power to make contracts to bind said District to the payment of any sums of money, except in pursuance of appropriations made by law, and not until such appropriations shall have been made." It seems clear to the minority of the committee that Congress, in framing the foregoing clause, intended to grant to said board no discretionary powers, but that in their action they were to be limited by the express powers thereafter to be conferred by law; or, in other words, they were to make no contract to bind the District to pay for improvements until the legislative assembly should not only approve the proposed work, but also ascertain and fix the extent of the liability the District would incur for the same. This view is reasonable, inasmuch as the organic act gave the selection of the board to the President, and the people, who were to pay for the improvements to be made, could have no control over their appointment. The minority, therefore, assume that it was the clear intention of Congress to limit the powers of the board of public works strictly to the expressed will of the people of the District of Columbia, acting through their legislative assembly.

Assuming this view let us consider the action of the legislative assembly granting powers to the board. On the 20th of June, 1871, the board of public works laid before the legislative assembly what is called their "comprehensive plan of improvements." (See pp. 45-71 of the printed record.) The estimated cost of the proposed improvements, it will be found, was \$8,222,996, of which sum the board assumed that, by paying cash, 20 per cent. would be saved, thus leaving \$6,578,397 to be paid. Of this sum one-third was to be taxed against property-holders, the remainder, \$4,385,598, to be provided for by taxation or the sale of bonds. With this plan the board went before the legislative assembly, and, to carry it

out, on the 10th of July, 1871, was passed what is generally known as the \$4,000,000 loan bill, (see p. 9, printed laws of legislative assembly,) the last clause of the first section of which act declares that the money thereby appropriated shall be expended, "*as fully as may be practicable and consistent* with the public interest in conformity with the plan of improvement submitted to the legislature," said plan being the same above recited, and also, by the express language of the act, incorporated into and made a part of said law. Now, it is claimed on the part of the majority that the words "*as fully as may be practicable and consistent*," as embodied in said law, give the board of public works discretionary authority. We think not; and if there were doubt on the subject it is wholly cleared away and our construction is made plain by reference to the first clause of the second section, which declares that "*in no case* shall such board enter into a contract for any work or improvement, the cost of which shall exceed the amount estimated for in its aforesaid plan less 20 per cent of said estimate," thus positively restricting said board to the plan furnished to the legislature.

In view of the law thus so clearly expressed, let us consider the action of the board in carrying it out. We cannot go into detail, but will cite two examples only to show how recklessly the provisions of the law have been violated.

First. *Seventh street road*.—The appropriation asked for and granted for the improvement of this road was \$2,500, as shown in the plan; but it is claimed by the board that this is a misprint, and that the amount was intended to be \$25,000. Even giving them the advantage of this we find they have already expended nearly four times the amount appropriated, viz, \$95,060.20, while their engineer estimates that it will cost \$70,000 more to complete the work.

Second. *F, G, Seventeenth, Eighteenth, Nineteenth, Twentieth, and Twenty-first streets west*.—Appropriation asked for these streets was \$91,900. The expenditure of the board, as testified to by their engineers, has been \$230,322.14; being an excess of expenditures over appropriations of \$156,802.14; and an analysis of the testimony shows that the work, when fully completed, will cost \$206,802.14 more than the appropriation. A large part of this work was done before any appropriation was made, except \$600 to trim and grade F street. When asked by what authority of law these great expenditures beyond the appropriations were made, the answer of members of the board was by "the law of necessity." In these as well as in many other particulars, in the opinion of the minority of the committee, the board of public works have violated plain and positive provisions of law.

The third complaint refers to the appropriations for contingent expenses of the District government for the period of seven months. In support of this charge it has been proven that for the governor's office there has been appropriated the sum of \$22,000; for the board of public works, \$102,000; for other departments, \$106,150, (see pages 110 112, 117, 139, and 142, laws first session legislative assembly, and page 53, second session,) making a total of \$230,150, which sum, in the judgment of the minority, is more than the annual amount of contingent expenses of any of the States of the Union, and this in a District less than a county, and with a population not greatly exceeding one hundred thousand souls. This, in our judgment, fully justifies the memorialists in making their third charge.

The fifth charge recites "that the city hall (a fire-proof building) was abandoned, and four separate buildings, for the different branches, were hired and fitted up, at an expense of not less than \$100,000." This is

admitted on the part of the District government, but is sought to be justified under the "law of necessity." We hold that the legislature only, and not the governor, was the proper judge of the necessity, and the only authority competent to legalize such action, by making the necessary appropriation therefor. To illustrate: Suppose the governor of a State should undertake to decide that the State capitol was inadequate to the wants of the government, and, by the "law of necessity," rent and fit up, at extravagant cost, other buildings, without authority of law, and on his own responsibility; could he be sustained by the candid judgment of the people, or by any fair construction of law? We say not, and are of opinion that this charge of the memorialists has been substantially sustained by the proofs.

The sixth charge is that "the legislature, at the instigation of the board of public works, has passed two loan bills of \$4,000,000 each, for improvements, each bill involving an additional special tax of \$2,000,000 on private property, this whole sum of \$12,000,000 to be placed absolutely and without restriction in the hands of five men." And with this we desire to consider the tenth charge, that "two elections have been held within a year, (only one being necessary,) at an expense exceeding one hundred thousand dollars, including registration and advertising. Now, a \$4,000,000 loan was authorized by the act of the legislative assembly, of date July 10, 1871, which act, subject only to the restrictions before recited, placed the whole \$4,000,000 under the control of the board, requiring of them no bonds or other restrictions usually placed upon trustees of public funds by law. Citizens of the District, believing the appropriation of \$4,000,000 was in contravention of the second clause of the fourteenth section of the organic act, which declares "that no debt by which the aggregate debt of the District shall exceed five per cent. of the assessed property of the District shall be contracted, unless the law authorizing the same shall at a general election have been submitted to the people and have received a majority of the votes cast for members of the legislative assembly at such election," and entertaining this view from the fact that the debt of the District was at the time \$3,256,381, (see printed record, p. 446, and also pp. 517 and 189) which, when added to the \$4,000,000, largely exceeded 5 per cent. of the taxable property of the District, the same being at the time about \$62,000,000, sued out an injunction restraining the issuing of the bonds of said \$4,000,000 appropriation. Thereupon the legislature, at the instance of the board of public works and the governor, unwilling to await the action of the court before which said suit was pending, on the 19th of August, 1871, passed another act for another loan of \$4,000,000, the same to be submitted to a vote of the people; and that act and the means by which it was carried at the subsequent election in November, as the minority submit, afford a startling example of improper use of power and of the suppression of the public will. It is just to the District government and board of public works to say that they have constantly disclaimed any intention of using more than one of the \$4,000,000 loans, and since then, by act of Congress, the power to do so has been taken from them; but, in the judgment of the minority, the fact remains that the second election on the \$4,000,000 loan was wholly uncalled for, and the expenses incurred thereby were unnecessary, and the memorialists, in making the charge, were justified by the facts.

The seventh charge is that "an unparalleled profligacy in advertising has been exhibited in the employment of fifteen newspapers, bearing an ominous resemblance to subsidizing the press of the District." This

charge is fully proven, the amount thus expended reaching the enormous sum of \$143,635.62, and the recklessness and profligacy of the District government and board of public works in regard to this charge are fully admitted by the majority. It was attempted on the part of the District government to justify this large expenditure for advertising and printing on the ground that its use brought the newspapers to the support of the loan, and the unity of sentiment of the people as expressed through the press had a material influence on the value of the bonds in the market, and yet we have the sworn statement of every newspaper proprietor in the District, that the amount received for advertising and printing had no influence whatever upon their action, which clearly establishes the fact that the large expenditure above named, or the greater portion of it, was utterly thrown away, and was simply taking that sum from the pockets of the tax-payers and giving it to the press; not for the purpose of subsidizing it, for that is sufficiently disproved by the sworn statements of the proprietors themselves, but simply from a high regard entertained by the District government for the newspaper press.

The eighth complaint is that the "board of public works has created many new bureaus, largely increasing the number of officers and the rate of their salaries." The evidence establishes the fact that the board of public works claims by the "law of necessity" the right to create and fill offices, fix salaries and appropriate money to pay them, without applying either to Congress or the District legislature, and it is proven by the evidence that the number of salaried officers created and appointed by the board, without other authority than their dictum, is 203. Add to these the number appointed by the board of health, and those returned by the governor as appointed by him, and we have in total some six hundred officers under the District government, whose aggregate salaries, to be paid by the United States and the District of Columbia, amount to \$600,000. Thus reviewing the evidence in regard to this charge, we think the memorialists are justified in their complaints.

The ninth charge is that "the board of public works hired thousands of men, carts, and wagons, many of them from adjoining States, at extravagant cost, just before election." This charge is not proven as laid, and yet the evidence to some extent justifies the memorialists. It is shown by the evidence that about the time of the election the largest number of hands was employed, and that immediately after the loan bill was carried many of the men were discharged. At that time, on the Seventh street road and other works, they were employed by the day, under the supervision of General Balloch, as general superintendent, and to illustrate the recklessness and uncertainty of thus employing men on public works, we will cite two only out of many items: "Cost of work done on L street, between Second and Boundary, \$15,005.01; cost of work on Q street, between Fifth and Boundary, \$11,989.02; total, \$26,994.03." (See page 82 printed record.) This work was measured and estimated by M. W. Demaine, long connected with the city engineering, who testified (see page 221) that a fair price for the work done on L street would be \$2,748.48, and on Q street would be \$3,066.08; total, \$5,814.56; showing in these two items a needless expenditure and reckless waste of money to the amount of \$21,179.47. And this testimony no attempt has been made to controvert. The minority are, therefore, of opinion that the memorialists were justified in part in making this charge.

We would further call the attention of the House to the fact, that among the many officers created by the board of public works is that of treasurer of the board, which is filled by one of its members; and that instead of disbursing the District funds by their warrant on the

treasurer of the District, as the minority believe was the intent of the organic act, as expressed in the fourth clause of the thirty-seventh section of the same, the board have usurped authority to make the disbursements through a treasurer appointed by themselves, without authority of law, and thus can take from the District treasury a sum in gross; and by such action on their part are enabled to place themselves above and beyond accountability to any one; are simply empowered, if their view of the law is correct, to take into their possession the whole of the proceeds of the \$4,000,000 loan and use it as they see proper, and for their acts to be accountable to no authority whatever.

The minority further believe that the action of the board of public works in filling up the canal is not only wholly unauthorized by law, but is a clear and flagrant violation of law. Leaving out of view the expediency of filling the canal, a subject on which men of eminent ability and large experience widely differ, the question recurs, by what authority of law does the board of public works assume the right of filling up the canal? Is this, too, the "law of necessity," or the edict of a self-constituted power that is higher than the people; a board clothed with authority not derived from the people, but given to them by the Chief Executive of the Government, to be exercised, not according to law, but in accordance only to their superior will? Let us consider the law, by which, in the judgment of a minority of the committee, they should be governed.

By the fifth section of the deficiency act of Congress of July 15, 1870, there was appropriated the sum of \$50,000; and in the same section Congress authorized and directed the corporate authorities of the city of Washington to raise by taxation \$100,000 for the purpose of dredging, or, if deemed best, dredging and narrowing, or arching over, the canal, under the supervision of a board of commissioners, provided for in said act.

On the 7th of October, 1870, following, the city councils of Washington voted a tax of 18 cents on the \$100 of the taxable property of the District for the improvement of the canal, pursuant to said act of Congress aforesaid, levying a tax only, but making no appropriation. Again, on the 27th day of April, 1871, the city councils of Washington appropriated a sum sufficient to pay the city's proportion of the improvements of the canal, with an express condition that the money so appropriated should not be used except for the purpose of dredging out and narrowing the canal, in accordance with a contract which had been entered into for that purpose. Seven days before this appropriation was made (April 20, 1871) the seventeenth section of the deficiency act of that date had transferred the powers of said canal commissioners to the board of public works. Under all these acts of Congress and the authorities of the District of Columbia—or rather the corporate authorities of the city of Washington—nothing can be clearer than that the powers of said board of public works over the canal were strictly limited to dredging it out and narrowing it; and yet, in palpable violation of law, they have filled up a considerable portion of it and are contemplating the filling up the residue from Seventh to Seventeenth streets, on which portion \$50,000 or more has already been expended by the board in narrowing and dredging it within the last six or eight months, and now the proposition is to take a new departure and fill it all up.

Further, the minority submit that the opening of the James Creek Branch was in direct violation of law, inasmuch as, by the seventeenth section of the deficiency act of April 20, 1871, the board were authorized to open said branch only on condition they should decide to open the main canal, and on the further condition that the whole cost of the canal

improvement should not exceed the sum of \$150,000. Said board have violated this provision of law in two particulars: First, in that they have already, in expenditure, largely exceeded their authority given by law; and, secondly, have proceeded to open said James Creek Branch, while at the same time they are proceeding not to open and dredge, but, on the contrary, to fill up the main canal.

The twelfth charge is, that the board of public works "has altered grades without discretion or fixed plan, and has laid down much pavement and gutter, evidently designed to be only temporary, and some of which has already been replaced." Reviewing all the evidence, the minority are of opinion that when the board was appointed the first consideration with them was to get to work. This they did, and while the work was going on they were arriving at conclusions as to how it should be done. As, for example, the change of grade between Fourteenth and Fifteenth streets, on New York avenue, where first the grade was raised about eighteen inches, and the work done, (see page 239, printed record,) and then an error was discovered, and all the earth that had been placed there was taken away, entailing large expense on the city and property-holders, and no advantage gained whatever; and so of many other works in different parts of the city. Another charge is, that while, by the organic act, an engineer should be employed and paid by the United States at the rate of \$2,500 per annum, the board of public works imported from New York and employed, without authority of law, an engineer at a salary of \$8,500 per annum, which charge is in the main sustained by the evidence, General Green, of New York, having been employed at a salary of \$8,000 by the board, while Mr. Mullet was at the same time its engineer at the salary fixed by law; and it is a peculiar fact that it is now sought to place the blame of many of the errors of grade and sewerage that have been proven on the employés who, without authority of law, the board of public works had themselves selected.

Without going further into the facts which we believe the evidence sustains, we have arrived at the conclusion that the powers assumed and exercised by the board of public works are dangerous to the best interests of the District, and that the reckless extravagance of all departments of the District government ought to be checked; and, while we do not feel authorized to recommend an entire change of government for the District, (as the present one is an experiment only, as yet,) but we feel assured that all officers of the government should be made directly responsible to the people for their acts. We therefore recommend the adoption of the following resolution:

Resolved, That the Committee on the District of Columbia be, and they are hereby, instructed to report forthwith to the House a bill so changing the organic act as to make all the officers elective by the people, except the governor; and requiring the board of public works to give bond and security for the faithful performance of their duties, and placing them directly under legislative control. And that until said act can go into effect and a board elected, that they be by law prohibited from drawing any money from the District treasury; but that payments shall be made by warrants on the treasury, as contemplated in the thirty-seventh section of its organic act; and that they be required to furnish quarterly statements of all expenditures made by them, giving the name of the person to whom paid and for what purpose, which report shall be made to the treasurer of the District and be open for public inspection.

ROBT. B. ROOSEVELT.
JOHN M. CREBS.

INVESTIGATION INTO THE AFFAIRS OF THE DISTRICT OF COLUMBIA.

[Extract from the proceedings of the House of Representatives January 22, 1872.]

Mr. FARNSWORTH. I desire to present a memorial of over a thousand citizens of the District of Columbia, and to offer at the same time a resolution to authorize the investigation requested in the memorial.

The SPEAKER. The resolution will be read.

The Clerk read as follows :

Resolved, That the memorial of citizens of the District of Columbia hereto attached be referred to the Committee for the District of Columbia, and that said committee be directed to investigate the truth of the allegations and charges in said memorial, and report the results of such investigation to the House; and that said committee have power to send for persons and papers and to examine witnesses under oath.

The SPEAKER. The Clerk will read the memorial, so as to inform the House of the subject to which the resolution relates.

The Clerk read as follows :

To the honorable Senate and House of Representatives of the United States in Congress assembled :

Your memorialists, citizens and tax-payers of the District of Columbia, desirous of securing good government, promoting the general prosperity, and securing an economical administration of the municipal affairs of the said District, respectfully declare that the charge brought against us of being "enemies to improvement" has no foundation either in fact or fair inference. We are in favor of judicious improvements, and of liberal expenditure to meet them; but we oppose the so-called "improvements" of the board of public works, for these reasons :

First. The thirty-seventh section of the act of February 21, 1871, has been violated in several particulars; the board of public works have usurped authority to make improvements not "authorized by law," not "intrusted to their charge by the legislative assembly or Congress."

Second. The plain intent of the act, that two members of the board should be citizens and residents of the city of Washington, has been violated.

Third. In seven months appropriations for contingent expenses have been demanded by the executive and the board, and made by the legislature, to the extraordinary amount of over two hundred thousand dollars.

Fourth. Whereas it was expressly provided that there should be a civil engineer on the board at a salary of \$2,500 per annum, paid by the United States Government, the board imported from New York, at a salary of \$8,500 per annum, an engineer whom it has since dismissed, and is now trying to make the scapegoat of its blunders.

Fifth. The city hall (a fire-proof building) was abandoned, and four separate buildings for the different branches were hired and fitted up at an expense of not less than \$100,000.

Sixth. The legislature, at the instigation of the board, has passed two loan bills of \$4,000,000 each, for improvements. Each bill involves an additional special tax of \$2,000,000 on private property; and this whole sum of \$12,000,000 is to be placed absolutely and without restriction in the hands of five men.

Seventh. An unparalleled profligacy in advertising has been exhibited, in the employment of fifteen newspapers, bearing an ominous resemblance to subsidizing the press of the District.

Eighth. It has created many new bureaus, largely increasing the number of corporation officers and the rate of their salaries.

Ninth. It hired thousands of men, carts, and wagons, many of them from the adjoining States, at extravagant cost, just before the election.

Tenth. Two elections have been held within a year (only one being necessary) at an

expense exceeding one hundred thousand dollars, including registration and advertising.

Eleventh. Contracts involving enormous costs have been made unlawfully before appropriations were made for carrying them out.

Twelfth. It has altered grades without discretion or fixed plan, and has laid down much pavement and gutter, evidently designed to be only temporary, and some of which has already been replaced.

Thirteenth. It has cut down, filled up, narrowed, and "parked" streets without consulting property owners, frequently against their expressed will, and generally to the absolute detriment and deterioration of the real estate of the city.

Fourteenth. It has filled up, narrowed, walled, and otherwise manipulated the canal, both by itself and in connection with the sewers, so injudiciously that not only has some of the most costly work (on Seventeenth street) proved a palpable failure, but we are actually threatened with inundation and pestilence.

Fifteenth. In brief, these so-called improvements are carried on without judgment or coherence, hastily, at a wrong season of the year, and on a scale of recklessness which threatens the real estate of the District with a burden amounting to confiscation.

Finally, the transactions of the board have been kept secret, and the citizens have had no opportunity of access to its records or official information concerning its contracts.

Your memorialists are convinced that the above reasons (many of the abuses enumerated in which are either analogous or precisely similar to those which characterized the recent misgovernment of the city of New York) will stand the test of rigid scrutiny; and they therefore pray that the memorial and accompanying papers be referred to a committee of your honorable bodies, that our grievances be inquired into and such redress granted as may seem just and proper.

J. R. Burroughs.
D. F. Robinson.
D. L. Shoemaker.
T. C. Wheeler.
James Jirdinston.
J. H. Ridgeway.
G. F. Hyde.
Charles H. Trunnel.
F. I. Trunnel.
E. A. Trunnel.
I. Wetzerick.
D. M. Lawrence.
B. McMahony.
James Hartigan.
M. F. Pasco.
James E. Murray.
Michael McNally.
Daniel Perkins.
Isaac Birch.
James W. Elms.
John V. Foster.
Geo. W. Jackson.
Louis Frenzel.
Chr. U. Choff.
Edward J. Shoemaker.
I. E. Carter.
F. I. Ludeke.
Samuel Tanner.
W. E. Owen.
Thomas Turvey.
W. M. Mankes.
Thos. O'Donoghue.
R. H. Trunnel.
D. G. Gill.
George Rhoades.
Boucher J. White.
John Curtin.
Richard P. Jackson.
James Manoge.
G. W. Threker.
John F. Heard.
C. Oglé.
Samuel S. Stevens.

John McCanly.
Wilf McLeod.
Edward McQuillan.
James T. Clements.
John J. McQuillan.
D. Jackson.
E. E. Cissel.
C. Levis.
M. F. Moran.
H. A. Kaiser.
Richard Young.
A. E. Bates.
Fred. Moelich.
R. Daw.
W. I. Shaw.
G. F. Getty.
G. W. Copley.
N. Nordleyer.
J. O. Banon.
W. H. Banon.
W. F. Gibbons.
W. F. Seymour.
B. F. Waddy.
E. Kaufmann.
F. L. Moore.
Henry Barron.
William K. Grimes.
H. G. Wagner.
James O'Connor.
Reuben Ronzer.
James R. Warl.
A. W. Dellzell.
John T. Core.
R. W. Cox.
James W. Ratcliffe.
John O. Crown.
John Spalding.
B. D. Copley.
P. W. Lowe.
Charles E. Edwards.
T. B. Crow, *Grocer*.
A. H. Bradt & Son.
Henry Settinger.

James T. Doyle.	Wm. W. Moone.
J. W. Brooke.	Michael Talty.
J. Y. Wells.	Thos. E. Lloyd.
A. Wilson.	J. J. Coombs.
Jos. A. J. Tanner.	George Holmes.
John H. Sis.	John E. Norris.
John A. W. Waters.	N. Sardo.
Albert Hanel.	C. Walter.
S. R. Gladnor.	A. Watson.
H. Braners	G. M. Dove, M. D.
R. R. Shekell.	Thomas J. Durant.
John L. Brooks.	Charles King.
F. T. Milbourn.	Robt. W. Fenwick.
John Lyddane.	A. G. Riddle.
Wm. H. Payne.	John C. Harkness.
Jas. B. Vandewerker.	John F. Ennis.
Charles H. Pettit.	A. Grant.
H. D. Bookman.	C. A. Pitcher.
James J. Fearson.	James McGraw.
Joseph H. Wilson.	W. B. Todd.
J. T. Lipscomb.	John Purdy.
William Thomas.	Thomas J. Durant.
E. S. Rosenthal.	A. G. Riddle.
C. Memmert.	J. J. Coombs.
B. Nordlinger.	H. S. Davis.
G. Schlezinger.	James E. Harvey.
C. E. Dudley.	C. P. Culan.
H. L. Strawberry.	J. H. Crane.
H. Sommers.	W. B. Johnston.
L. Block.	C. A. Bristed.
C. W. Milbourn.	J. A. Cushing.
H. S. Davis.	A. Watson.
James C. Harvey.	B. Severson.
C. A. Busted.	J. Fitzgerald.
C. P. Culver.	T. P. Cole.
J. A. Cushing.	C. T. Crown.
J. H. Crane.	Leonh. Hoffman.
H. Polkinhorn.	Joseph Eggleston.
Benj. Severson.	F. E. Miller.
W. B. Webb.	J. C. Wells.
Fred Kaanes.	S. E. Allen.
Noble D. Larner.	J. Loughran.
W. H. Tenney.	C. G. Pearce.
John Purdy.	M. F. Mahoney.
W. B. Todel.	G. W. Edwards.
William B. Todd, jr.	J. Francis Edwards.
J. L. Johnson.	Charles Stott.
Wm. D. William.	T. A. Jackson.
John R. Pierce.	John Stanley.
Dr. A. B. Shikele.	Michael Fox.
C. F. Shikele.	Adam Ehlshlager.
J. J. Payne.	B. F. Queen.
A. S. Yates.	George J. Young.
S. M. Watery.	L. J. Dabin.
H. W. Fisher.	Wm. C. Hamer.
John O'Donnoghu.	A. H. Eichstadt.
Thos. Jackson.	L. Witheron.
Robt. E. Talbot.	Jas. M. Toms.
W. A. Cunningham.	Jordan W. Medary.
John Tennyson.	J. W. Drew.
G. T. Dunlap.	S. H. Bacon.
Wm. T. Herron.	S. Heller.
T. A. Neuman.	John W. Allen.
T. E. Fry.	P. O. Hare.
John T. Wood.	W. B. Kibby.
J. V. Fister.	Edw. Bawsel.
Benj. F. Fillow.	K. P. Mitchell.
William Haner.	W. H. Tenney.
Samuel M. Mason.	Daniel Breed, M. D.
Daniel Breed, M. D.	Wm. W. Moore.

Thos. E. Lloyd.
 John E. Norris.
 W. B. Webb.
 H. Polkinhorn.
 D. J. Bishop.
 J. Burgess.
 C. J. Burch.
 James Godden.
 Chas. G. Godfry.
 D. Radebaugh.
 P. Jordan.
 H. Koppel.
 J. T. Dungan.
 E. Herdenheimer.
 Nexlas Bean.
 J. H. Eubank.
 Evan Hughes.
 S. W. Tucker.
 Lem'l J. Denham.
 W. H. Ottman.
 G. F. Shafer.
 Jas. F. Oyster.
 E. F. Simpson.
 Kennedy Saundry.
 C. Lefaim.
 Walter B. Williams.
 H. O. Hood.
 W. G. Aufutz.
 T. W. Tansill.
 Sam'l Buon.
 W. Tilly.
 H. W. Hall.
 John J. Barnard.
 A. M. Zimmerman.
 Geo. Ryneal.
 M. R. Taylor, jr.
 A. Bogus.
 Sam'l Wise.
 J. G. Robinson.
 E. Lenzberg.
 G. W. Cox.
 B. J. Neale.
 George S. Smith.
 N. Demongeot.
 W. J. Lowe.
 O. P. Chappell.
 Geo. W. Bartlett.
 Jas. O. Withers.
 A. Adamson.
 R. T. Campbell.
 Douglass Moore.
 F. J. Bartlett.
 T. H. Bremerman.
 E. I. Pyl.
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 John R. Pierce.
 Wm. D. Williams.
 Noble D. Larner.
 Wm. Boyd.
 T. G. Clayton.
 E. Champlin.
 James Holmes.
 Alexander Holmes.
 E. Hewitt.
 Wm. Peirce.
 Thos. Brown.
 John Hammond.
 Jos. Thompson.

Subsequently, February 6, the following memorial was introduced by Mr. Garfield and referred to the Committee for the District of Columbia, and is here printed :

MEMORIAL OF TWO HUNDRED AND FORTY-SIX CITIZENS OF THE DISTRICT OF COLUMBIA SETTING FORTH THE GREAT INCREASE WHICH HAS RECENTLY BEEN MADE OF THE DEBT OF THE DISTRICT, AND ASKING CONGRESS TO PREVENT ITS FURTHER INCREASE.

To the honorable Senate and House of Representatives of the United States in Congress assembled :

The undersigned, citizens, residents, and property-holders of the District of Columbia, respectfully ask leave to represent to your honorable Houses the anxiety and alarm with which they regard the large increase of debt on the part of the District government. It is one to which they have hitherto been unaccustomed, and to which they earnestly pray the consideration of your honorable Houses.

These are debts for which your memorialists well know their property will be held accountable after the moneys thus borrowed shall have been expended. They cannot but see that the bonds issued and proposed by the District government will be mortgages upon the property of your memorialists, and worse than mortgages, in this, that they will take priority over all other mortgages, of however old a date. Your memorialists ask permission to point the attention of you honorable Houses to the record of these, using for that purpose the acts and resolutions of the legislative assembly at its first session, comprising a period of little more than three months, the volume of which, now just issued, accompanies this memorial, with the wish that it

may be considered a part of it. The District government here speaks for itself, misrepresentation becoming impossible.

Bonds for four millions of dollars, approved July 10, 1871, pages 10 to 13.

Second batch of bonds for four millions of dollars, approved August 19, 1871, pages 50 to 58.

Governor Cooke has said he did not expect to use both batches; other members of the District government have threatened otherwise. But Governor Cooke is mortal; it were sad for your memorialists if at some day, in the recess of Congress, a successor of different views should find himself in the governor's chair, clothed with power to negotiate the other batch as well. Wherefore your memorialists pray your honorable Houses to annul the act of the legislative assembly creating the first-named set of bonds.

Water bonds; four hundred and fifty thousand dollars, approved July 20, 1871, pages 17 to 21.

Bonds for Piedmont Railroad; six hundred thousand dollars, approved August 19, 1871, pages 46 to 48.

This act alone authorizes a yearly tax, in addition to all other taxes whatever, of 6 per cent. on the assessed value of—not on the income from—all District property, real and personal. It is submitted to your honorable Houses as a specimen of reckless, plunging legislation.

The District government thus clothes itself with power to buy and hold real property lying wholly and forever outside the District of Columbia, but refers itself, in this case only, to the ratification of Congress, which seems, in section 16 of the Congress enabling act, to forbid proceedings of the kind.

This act was ratified by the people at the following election by ten or eleven thousand majority, having perhaps five-sixths of the whole vote cast; the minority, appalled by the perception that five voters who had nothing might surely be counted on to tax the property of a sixth, making no effort at the polls. Your memorialists on that occasion saw reason to fear that if the sum named had been six hundred millions, the vote would have been the same. They supposed, and suppose, the Piedmont Railroad to have no existence whatever. They saw, and see, nothing preventing the legislative assembly in conclave and the voters at the polls from indulging their tastes for speculations of this nature in any number and to any amount; and they humbly pray your honorable Houses to protect them, their property, and their credit from any more financiering of the kind.

Market-house bonds; three hundred thousand dollars, approved August 23, 1871, pages 117 to 119.

Chicago fire bonds; one hundred thousand dollars; will not be found in accompanying volume; they were enacted later on.

The District government has thus enacted, in the first half year of its existence, bonds to the amount of nine millions four hundred and fifty thousand dollars; bonds are a new revelation!

With the addition of what floating debt may have accrued in the same period, and the debt (between three and four millions) of the old District of Columbia, the present District debt cannot be estimated at less than thirteen millions of dollars.

But seven of the States of this Union—it is thought but six—owed as much at the opening of the rebellion. Louisiana did not owe as much, nor Illinois, and Mississippi had gone into repudiation upon a debt of only two-thirds as much as ours. Indiana and North Carolina owed each something more than half as much; Massachusetts, South Carolina, Kentucky, Alabama, and California, each less than half as much; none of the others more than one-fourth as much as the present debt of the District of Columbia. It is sought, by those of her citizens who do not believe that energy and enterprise consist in borrowing money, to have any further progress in this direction brought to a full stop.

Taxes, assessment, and valuation, approved August 9, 1871, pages 25 to 31.

In the bowels of this act will be found an income tax twice as heavy as that of the United States, and of a jurisdiction as wide as that of the United States. All income not taxed elsewhere shall be taxed here. Bonds or stock of a railroad in Louisiana, shares in a rolling-mill in Virginia, in a coal-mine in Pennsylvania, in a whale ship of Massachusetts; all income from such investments as these must pay one-twentieth of itself to the District government, as a penalty upon its owner if he attempt to reside in the District of Columbia. It is submitted to your honorable Houses that this is a policy which overreaches itself.

Of late years your memorialists have seen with pleasure growing indications on the part of persons of means, living at a distance, of a disposition to choose Washington for a residence. It is feared that such may not like to encounter a second income tax, or to expose themselves in removing to Washington to taxation by the District government on investments left behind them.

It will be observed that thirteen millions of dollars constitute one-sixth of the value of the whole District of Columbia. Your memorialists earnestly urge upon your hon-

orable Houses that this process of encumbering the property of your memorialists should cease here. If one of the purposes of a government be the protection of minorities, your memorialists pray your honorable Houses to consider if the present be not a fit occasion for the exercise of that trust. Majorities are ordinarily able to protect themselves.

You memorialists avow themselves in favor of a steady and well-digested system of city improvements, but of paying for such in a way more immediate and less complex than the latter-day process—interest at six per cent. on a single million-dollar bond, accruing at the rate of more than a thousand dollars weekly, the bond meanwhile continuing a debt still! Nothing is so ruinous as financiering.

All of which is respectfully submitted, your memorialists praying earnestly that it may be observed that no earthly redress is open to them except the present—an appeal to the consideration of your honorable Houses.

Fitzhugh Coyle.
John Ogden.
John F. Weeb.
Peter F. Bacon.
L. C. Campbell.
Samuel R. Gittings.
C. C. Bryan.
W. B. Kibbey.
Wright Rives.
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W. McLain.
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 H. McLinden.
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 P. Jordan.
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 John F. Hanna.
 Michael Talty.
 Columbus Alexander.
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 Francis Hanna.
 Eliza Barry,
 471 *M street*.
 E. Kingman,
 Fourteenth street.
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 Mary F. Miller.
 I. W. Wright.
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 Robert Farnham.
 Susan V. Walker.
 Irvin B. Wright.
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 W. J. Wilson.
 Geo. B. Fillebrown.
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 Jno. L. Edwards.
 Thos. Evans.
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 Charlotte B. Wise.
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 Thos. E. Trance.
 R. Leech.
 Fred'k Pilling.
 Jos. Bryan.
 Charles Edmonston.
 Alfred Richards.
 Jas. Adams.
 Wm. H. West.
 Noble D. Larner.
 Charles F. Wood.
 Rob't Downing.
 Thos. Francis.
 Geo. M. Barker.
 ——— Gerien.
 Jos. A. Deeble.
 James W. Barker.
 William King.

PROCEEDINGS OF COMMITTEE.

IN THE MATTER OF THE GRADING OF F STREET NORTHWEST.

WASHINGTON, D. C., *January 31, 1872.*

Mr. RIDDLE, representing the memorialists, stated that he would confine himself and the testimony to-day to the grading of F street north, from Seventeenth street to Twenty-first street west, and he called attention to the thirty-seventh section of the act of February 21, 1871, establishing a territorial government for the District of Columbia, which provides that the board of public works shall have no power to make contracts, except in pursuance of appropriations made by law, and not until such appropriations shall have been made. He also referred to an act passed by the old common council of the city of Washington—to be found on page 184 of the general and special laws of the corporation—appropriating \$600, or so much thereof as might be necessary, to grade and trim F street north, between Seventeenth and Twentieth streets west. This act was approved 25th April, 1871. He proposed to show that this work, as undertaken by the board of public works, without any additional authority, would cost nearly \$300,000. And he read the following letter from Mayor Emery, to be found on page 115:

MAYOR'S OFFICE, CITY HALL,
Washington, D. C., May 24, 1871.

SIR: I observe from the reported proceedings of the house of delegates, that a question has arisen as to the authority for the change of the grade of F street between Seventeenth and Twenty-third streets northwest, and who issued the order for the work necessary to carry out such change. An act of the corporation of Washington, approved April 25, 1871, appropriates \$600 for grading and trimming said street.

Upon the urgent request of a principal property-holder interested, I consented to allow the work to be done at once, and a contractor was named who could do it without delay; it being understood by me at the time, that the gutters and side-walks of the street would not have to be disturbed, and that "trimming" was all that was required, probably not amounting to so much as the appropriation. I fixed the price at 16 cents per cubic yard for the trimming, and directed my secretary to make out the necessary papers. He did so, leaving the price per cubic yard blank, at the request of the contractor, who said he desired to talk with me further in regard to it, as he regarded 16 cents as entirely too low. The contract was then laid upon my table, with a signed requisition upon the auditor for an order for the work. Without having the blank in the contract, the contractor took the requisition from the desk without my knowledge, but, perhaps, thinking that I had examined it, and obtained an order for the work from the auditor. The contract remained unsigned and was finally destroyed. The order from the auditor limits the contractor to \$600, and does not contemplate any change of grade. The grade was changed by the board of public works.

I do not charge that the contractor intended any trick, for I have always regarded him as an honorable gentleman, but I think that, upon receiving an intimation from me that I had not knowingly given my assent to a requisition for the work before I had signed the contract, and was dissatisfied with the way in which it was obtained, he should have at once returned the order, as requested.

The plan of the change of grade, as signed by the board of public works, may be an excellent one, but as I have nothing whatever to do with it, I think it but fair that they should have full credit.

I may add, that an order would have been issued, stopping the work until the difficulty in regard to the contract should be settled, but I understood that the work was proceeding under the order of the board of public works.

Very respectfully, your obedient servant,

M. G. EMERY,
*Mayor.*HON. CHARLES L. HULSE,
Speaker of the House of Delegates, D. C.

M. G. EMERY sworn and examined.

By Mr. RIDDLE:

Question. State the facts attending the contract and the issuing of the order for the improvement of F street, west of Seventeenth.—Answer. The facts are as stated in the letter just read. An appropriation was made by the council to trim F street from Seventeenth to Nineteenth, two squares. I was applied to by one of the property-owners, A. R. Shepherd, who was building a row of houses on one of the squares. He came in and asked me to issue an order for the work, saying that his houses were nearly completed. He was a member of the board of aldermen, and he brought me the bill to sign, and asked me to give an order for the work. In conversation with him, I understood that \$600 would be ample to do all that there was to do. I immediately signed the bill, and sent for a contractor who was doing work in the vicinity, and had a conversation with him. I told him that I thought I could get that work done for 16 cents a yard. He thought that that rate was low, but, as he was at work there, and as the job was a small one, he would undertake it, saying, however, that it ought to be 20 or 25 cents a cubic yard. At 16 cents a yard the work, as I estimated it, would come to about \$300. I authorized my secretary to draw a requisition on the auditor for the work to be done. The secretary did so, and says that he laid it on my table, but I did not notice it. The contractor, after waiting a little while, as he said, took the order to the auditor, supposing I had seen it, and he had the order issued to do the work. A few days afterward I learned that the grade of the street was being changed. I sent for the contractor, and asked him by whose orders he was grading that street. He said he was doing it under the orders of the board of public works. At the same time my secretary stated that the surveyor of the city had an order, signed by Governor Cook, Mr. Shepherd, and Mr. Brown, which he showed to him in the office, authorizing the change to be made.

Q. What became of the contract?—A. The contractor had left a contract on my desk, signed in blank, but which was never executed, and afterward, supposing that he had an order from the board of public works to do the work, I did not pay any more attention to the contract. I told him that he was not to go on under my order, and that, if he was working under the order of the board of public works, I had nothing further to do with the matter.

Q. Do you recollect what time that was?—A. That was one or two days after the date of the signing of the bill.

Mr. CHANDLER. The order is dated 29th of April.

WITNESS. Then it was probably some time in May. I should think that that occurred before I wrote the letter, and that it caused me to write the letter which Mr. Riddle has read.

Q. I see that you used the word trimming?—A. It was merely to flatten the street, as I understood it. I had no idea, when the order was issued, that the pavement, or the sidewalk, or the gutter were to be disturbed. Mr. Shepherd brought in the bill showing that the street was to be graded and trimmed. I asked him what he meant by grading, and if he designed to change the sidewalk or the gutter, and he said no. It is not unusual to have the word grade used for trimming a street. I signed the bill, supposing that it was merely to level up the street and to make it more beautiful than it was.

Cross-examined by Mr. CHANDLER, representing the territorial government:

Q. When did you go out of office as mayor?—A. In June, 1871.

Q. The organic act creating the District government was passed in February, 1871?—A. Yes.

Q. And after the passage of that act and the appointment of the board of public works, you continued to be mayor of the city until June?—A. Yes.

Q. A controversy arose between the city authorities and the board of public works as to the authority of the city to continue the improvement of the streets?—A. There was no controversy on my part. There was an injunction laid by the board of public works restraining me from making any improvements.

Q. The board of public works claimed the right before the city government went out of existence to control the improvement of the streets?—A. In March, I think, the injunction was first applied for, and it was confirmed in May.

Q. And the decision was that the board of public works was entitled to control the streets?—A. I made no opposition to it at all, and never appeared before the court. My idea was, that if the court confirmed their right to take charge of the streets, it so far relieved me, and therefore I made no opposition. The injunction was confirmed on the 22d of May.

Q. You understood that the work, which you directed to be done in F street, was merely to trim the street and to grade it slightly, without altering the grade or bringing it down to the line which it now occupies?—A. I knew that the street was too high in the center and that it was to be altered.

Q. That is all which you considered the city government and yourself to be responsible for?—A. Yes. That was to be done at the instance of one of the members of the board of public works. It was he who had the bill passed and who brought it to me and asked me to have the trimming done.

Q. That is the way you understood it?—A. I had no contemplation or thought of anything else. If I had, I should not have approved the bill.

By Mr. ELDRIDGE:

Q. By whom was the order made?—A. By the auditor. The law requires that in any improvement, to be made by the corporation, the mayor shall request the auditor in writing to issue the order.

Q. You spoke of approving the bill; what bill was that?—A. The bill which had passed the old council, appropriating \$600 for this work.

Q. And you say that Mr. Shepherd procured the bill to be passed and brought it to you?—A. He was a member of the board of aldermen at the time, and he brought me the bill, saying that he was in a hurry to have the work done, as his houses were nearly completed.

By Mr. ROOSEVELT:

Q. What was the effect of the change of grade, as it now is, on Mr. Shepherd's houses?—A. I should think that it lowered the pavement three or four feet, setting the houses higher up, and leaving a little terrace in front of the steps.

Q. Was it a very particular benefit or advantage to them?—A. By narrowing the street, the curb-stone was brought out some twelve feet, forming a little terrace in front of the houses and making them more imposing perhaps.

By Mr. ELDRIDGE:

Q. Has the street generally been improved by the grading?—A. I am not capable of judging.

Q. What is your opinion?—A. The street, as now finished, looks very well.

Q. You think it is an improvement?—A. I should not have incurred the expense.

Q. Is the street improved?—A. I should think that just that square was improved in appearance.

By Mr. ROOSEVELT:

Q. Are Mr. Shepherd's houses rendered more valuable by it?—A. I think so. If they were my own, I should prefer the street to be as it is.

Q. Did any of the expenses of the improvement fall upon those houses?—A. One-sixth, I suppose. That is the law.

Q. How many houses has he there?—A. I think there are fourteen in the row.

By Mr. CHANDLER:

Q. Were Mr. Shepherd's houses the only considerable number of houses that were being brought to completion at that time there?—A. I do not know. I had not noticed them. When he applied to me, I was not aware that he was building there.

Q. The benefit or the disadvantage of altering the grade would accrue to all the other houses on the street as well as to those which Mr. Shepherd built?—A. I suppose it would.

Q. It would affect other property besides Mr. Shepherd's?—A. A good deal.

Q. For what distance was the grade altered from Seventeenth street west?—A. I should think three blocks up F street.

Q. And how many houses of Mr. Shepherd's are there there?—A. They are only in one block, and I think there are fourteen new houses in that block.

Q. Do you know whether or not the grade as it now stands is the old, original grade of the street, as laid out many years ago by Mr. Randolph Coyle?—A. I should think not. The Winder Building, owned by the Government, has been built there, and the War and Navy Departments have been built there on the old grade, and I have no doubt that the authorities at the time those buildings were put up supposed that they were building on the regular grade of the street.

Q. Has your attention ever been called to the fact that Mr. Coyle, fifteen or twenty years ago, established the present line as the true grade of the street?—A. I am aware that Mr. Coyle established grades all over the city by the authority of Congress and of the city authorities, but I do not know as to the grade of that street. I have made no examination of it.

WASHINGTON, D. C., *January 31, 1872.*

MAURICE PECHIN sworn and examined.

By Mr. RIDDLE:

Question. In what capacity were you acting in April and May last?—Answer. As secretary to the mayor.

Q. State your recollection of making the contract or issuing the order referred to by Mr. Emery.—A. I recollect that the occasion was the same as the date of the approval of the bill and the date of the contract and order. I believe it was the 29th of April. I was present in the office when Mr. Shepherd came there and conversed with the mayor in relation to it. Mr. Vanderburgh came in, and from what I heard of the conversation, I understood it was agreed that he should do the work, that the mayor allowed him 16 cents per cubic yard for the work, and that Mr. Vanderburgh accepted that because he could not get more. Mr. Shepherd was anxious to get the work done, and the mayor directed me to make out the contract. I made one out immediately—the same day—and also made out a requisition on the auditor for an order that the work should be done. That I signed in the mayor's name, signing my own name as secretary. The contract I left unsigned at the request of Mr. Vanderburgh, who came to see me, and I also left the price blank. Mr. Vanderburgh desired to converse further with the mayor in regard to it, he not being satisfied with the price. I then took the requisition and the contract, and laid them on the mayor's desk. Having other business, I paid no more attention to it. Mr. Vanderburgh came to the desk and went away with the papers. I think he afterward came back and spoke to the mayor. I understood at the time that the transaction was completed. I afterward discovered that the contract was not signed, and that the price was not stated in it. I asked the mayor in regard to it, and he said that he did not know anything about it. In a few days afterward he spoke to me again about it, and said that it was not right, and he wanted me to see Mr. Vanderburgh. I told Mr. Vanderburgh that the mayor was dissatisfied with it, and wanted him to return the order which he had got, and he said he would see the mayor about it. I do not recollect any subsequent interview between them, but I believe that Mr. Vanderburgh did come.

Q. Do you know what became of that draught of the contract?—A. It was destroyed by the mayor some time afterward. He said it was of no account, as the work was going on under the board of public works, and he had nothing to do with it. So he tore it up, and threw it into the waste-basket.

Q. Do you know of any other fact connected with the matter?—A. Nothing of importance, except it be with reference to the understanding of the mayor, that the work was being done. About that time I told the mayor that I had seen, incidentally, a plan of the change of grade, signed by the board of public works, and probably it was owing to that fact that he had the impression that the work was being done under the board of public works.

By Mr. ROOSEVELT:

Q. Was there any understanding, as you comprehended it, between the contractor and the mayor as to the price to be paid? Did the contractor accept the 16 cents a cubic yard?—A. I understood that at first he did accept it, and that the mayor so understood it. At Mr. Vanderburgh's request, I did not insert the price, but left him and the mayor to settle the matter afterward.

WASHINGTON, D. C., *January 31, 1872.*

J. V. W. VANDERBURGH sworn and examined.

By Mr. RIDDLE:

Question. Are you the contractor who is doing the work on F street west of Seventeenth?—Answer. I have been doing it.

Q. Under what authority have you been doing it?—A. I commenced the work under an order from Mayor Emery.

Q. Had you a contract with Mayor Emery?—A. I signed one.

Q. At the mayor's office?—A. Yes.

Q. Have you any other contract for that work with any party?—A. No, sir.

Q. About what time did you enter on that work?—A. Some time in June. I do not recollect. It was either in May or June.

Q. State, in general terms, what you have done on that street.—A. I have graded a portion of it.

Q. Graded from what point to what point?—A. From Seventeenth to Twentieth streets, inclusive.

Q. Has not the work been carried on past Twenty-first street?—I think not. I cut down part of it to Twenty-first street.

Q. State whether that grade has been very materially altered; whether part of it has been cut down and part filled up.—A. There has been no filling at all, except in the lower streets; but there has been some considerable cutting.

Q. What was the greatest depth of cutting?—A. My impression is that, between Nineteenth and Twentieth streets, the cutting was between 9 and 10 feet.

Q. You have reduced the grade all the way?—A. Yes.

Q. From 9 and 10 feet up to how little?—A. To about 2 feet at Seventeenth street.

Q. That involved the destruction of all the trees on the street?—A. They were all taken down.

Q. At what time, if at all, did you receive an order to grade that street; or did you receive any order except the one that you received from the mayor's office?—All the order that I ever got was from the engineer, Mr. Forsyth.

Q. You acted under his orders?—I always do.

Q. Can you tell what amount of work you have done there?—A. I cannot.

Q. Can you tell how much you have been paid for the work?—I cannot tell now.

Q. Can you not approximate it?—A. I cannot.

Q. You can tell within \$10,000?—A. I suppose so.

Q. Give us your best recollection.—A. I would have to sit down and look over my books, as I have so much work mixed up. It might be \$10,000, or it might be more, or might be less.

Q. You have done the most of the grading on F street?—A. Yes.

Q. You have other contracts besides that?—A. Yes.

Q. What other work?—A. I am doing some work for the Government up at the reservoir. I have built some sewers and have done some work for the Baltimore and Potomac Railroad.

Q. You say you cannot tell what amount of work you have done, nor what amount you have received as applicable to the work on F street?—A. No, sir; not without reference to my books.

Q. Have you contracts for any other streets in that vicinity?—A. No, sir; not at present.

Q. Have you not been doing some work on other streets?—A. Yes; I have been working on sewers.

Q. No grading?—Yes; I cut Eighteenth street.

Q. What extent in Eighteenth street did you cut?—A. From New York avenue to Pennsylvania avenue.

Q. And you state that for that work on F street you had no contract, save that which you had or supposed you had with the mayor?—A. I had no other.

Cross-examined by Mr. CHANDLER:

Q. Your immediate superintendent was Mr. Forsyth?—A. Yes.

Q. And you have done all the work under his immediate direction?—A. Yes.

By Mr. ROOSEVELT:

Q. How much were you to receive for your grading?—A. It was left an open question with Mayor Emery. I wanted 25 cents a cubic yard, and he wanted to pay me 16 cents.

Q. Was the 25 cents that you wanted to cover the entire charge for grading?—A. Yes.

Q. How deep did you expect to go at that time?—A. I had no idea.

Q. And you were willing to take 25 cents a cubic yard whether you cut ten feet or one?—A. Yes.

Q. Would it have made any difference to you whether you cut 50 feet deep?—A. Not much.

Q. Did you take into account in making your contract how deep the cut was to be?—A. No, sir. I did not know whether they were going to cut at all; I had not seen the profile of the work.

Q. Had you made any examination of the street that you were to work on?—A. I had been putting a sewer right in the same street.

Q. Had you received any directions from any one before signing the contract as to the depth in the change of grade?—A. No, sir.

By Mr. RIDDLE:

Q. Can you tell us at what rate you have been paid?—A. I suppose at the rate of 20 cents a cubic yards.

By Mr. ELDRIDGE:

Q. Have you been doing this work without directions from any of the present city officers?—A. No other but the engineer's.

Q. Have you had no understanding with members of the board of public works as to how much you were to receive and when you were to get your pay?—A. I get my pay once a month.

Q. I asked you whether you have any understanding with them?—A. Certainly.

Q. Did you have that understanding before you commenced the work?—A. No, sir.

Q. Did you commence the work under the contract which you made with Mayor Emery and under no other contract?—A. Yes, sir; under no other.

Q. Did you have no understanding with Mr. Shepherd in regard to that work pro-

vious to commencing it?—A. Nothing except that he told me that Mayor Emery wanted to see me.

Q. You made no bargain with him?—A. No; I could not; Mr. Emery was mayor.

By Mr. ROOSEVELT:

Q. You say that you did this work under the directions of Mr. Forsyth; is he an engineer of the board of public works or of the city?—A. He was an engineer of the city at that time.

Q. At the time he gave you the directions?—A. Yes.

By Mr. RIDDLE:

Q. He became at once the engineer of the board of public works, did he not?—A. Yes.

By Mr. ELDRIDGE:

Q. Is the price which you have been paid for that work more or less than a reasonable price for it?—A. It has been too little.

Q. You think that 20 cents a cubic yard is too little?—A. Yes.

Q. Can you not make fair wages at 20 cents?—A. No, sir. I have not made a dollar on the street.

Q. What would be a fair living price for the work?—A. It ought to be 30 cents, and what we call haul. After hauling 500 or 1,000 feet it should be so much per yard for the additional haul. Some earth had to be hauled a great way; all of it was carried below New York avenue to fill streets.

Q. There was no filling in the street you were working on?—A. No, sir.

Q. Where did you carry the surplus earth?—A. All the way from F street to the canal.

Q. Did the contract provide where you were to deposit the earth?—A. No, sir.

Q. Did you take that into consideration at the time you made the contract?—A. I did not, for I did not suppose there would be any hauling of any account.

Q. Who made the arrangement with you to pay you 20 cents a cubic yard?—A. Mr. Forsyth recommended it first, and the board adopted it and paid it. Subsequently when I came to find the immense haul that I had to make, and that I was losing money, they allowed me 40 cents a yard for the first two feet in depth. That rule was adopted all over the city.

Q. Was that by a bargain made with the board of public works, or by an order made by the board?—A. It was a general order.

Q. Have you ever seen the order?—A. Yes.

Q. Is it on the record of the board of public works?—A. I believe it is.

Q. Where did you see it?—A. I saw it with the auditor.

Q. Was it on the records?—A. It was in his scale of prices which had been adopted.

Q. They agreed to allow you 40 cents a cubic yard for the first two feet?—A. Yes.

Q. Is that anything more or less than a reasonable price?—A. It is hardly a fair price. The first two feet on all the old streets in Washington is nearly all gravel. It has to be broken with picks, and can scarcely be plowed with six horses. The work is very expensive until you get through that.

Q. Is it because of that character of the first two feet that the 40 cents a cubic foot was allowed?—A. Yes; and it is only allowed on such streets.

Q. Did you make application to the board for that?—A. I did.

Q. At what time was that allowance of 40 cents made?—A. My impression is that it was made in the last of July or the first of August.

Q. Was it before or after you had done the work?—A. It was after I had done a good deal of the work.

By Mr. HARMER:

Q. Does that 40 cents include the hauling?—Yes.

Q. Was no distance fixed that you were to haul it?—A. No, sir. I haul it wherever it is required to be deposited.

By Mr. RIDDLE:

Q. Were you not paid for the filling wherever you filled?—A. No, sir; not a cent.

By Mr. ROOSEVELT:

Q. Was there any change made in the directions from the grade given by Mr. Forsyth?—A. None but what he made himself.

Q. Did he give you a different grade at first from that which he gave you afterward?—A. The grade was changed, I believe. In fact, I know it was.

Q. When was that?—A. I do not recollect the time; it was either in July or August.

Q. How deep did he tell you at first to cut it?—A. That would be a pretty hard matter to tell. It was a pretty long time before I could get a grade at all. I think it

was $3\frac{1}{2}$ feet, or something near that, at first, on F street, and it was subsequently changed to 5 feet.

Q. Did he at any time direct you merely to trim the street?—A. No, sir; the first dip I made at it was 2 feet deep at Seventeenth street.

Q. Did you know the amount of the appropriation that had been made for the work?—A. I did not at the time; I heard of it afterwards.

By Mr. RIDDLE:

Q. Did your order limit you to \$600?—A. I believe not.

Q. Do you know what has become of that order?—A. I do not.

(Mr. RIDDLE directed the witness to examine and find out how much he had been paid for the work on F street, and Mr. CHANDLER stated that he would furnish any statement required as promptly as it could be prepared as soon as Mr. Riddle would make a requisition in writing to that effect.)

By Mr. ROOSEVELT:

Q. Was any objection made by the property-owners there to that grade?—A. I would not be the proper person for them to object to. I heard them talking about it, of course.

Q. Do I understand you to answer that they did not object to it to you?—A. They did not object to it to me. I heard them talking about it; I had nothing to do with the matter, except to carry out the orders of the engineer. I was told by Mr. Forsyth that he contemplated this grade eighteen years ago.

By Mr. CHANDLER:

Q. The first loan bill, as it was called, of the District government was passed July 10, 1871; do you recollect whether you got the grade to which you were to carry this street after or before that date?—A. I think it was after; I am sure it was. I think it was later in July or the beginning of August.

By Mr. ELDRIDGE:

Q. How long has Mr. Forsyth been engineer of this city?—A. Ever since I have been in town, and he tells me that he has been in public duty here for twenty years.

Q. In the capacity of engineer?—A. Yes.

By Mr. CREBS:

Q. You state that the only contract you had was with Mayor Emery to grade this street; did you sign the contract?—A. I did.

Q. Was that contract signed by the mayor?—A. I do not know anything about that; I never saw it since Mayor Emery told me that he had lost it, or that it had been misplaced, or something of that kind.

Q. At the time it was signed was it filled up?—A. The price was not filled up.

Q. Why not?—A. There was a question about the price. He wanted that I should do the work for 16 cents a cubic yard, and I declined, and wanted 25 cents. Finally, I left it with him and said, "Whatever you think it ought to be between these two prices I want you to fill it in."

Q. Then you went to work on the street in June, commencing on Seventeenth street with a two-foot grade?—A. I cannot say that it was in June; I cannot recollect exactly when I did start.

Q. Without any more definite contract than that?—A. I got an order from the auditor to commence the work.

Mr. RIDDLE presented and put in evidence the memorial of owners of property on F street protesting against the change of grade. The memorial is as follows:

To the honorable the council and house of delegates of the District of Columbia:

The undersigned are owners of property on F street, between Seventeenth and Twenty-third streets, in this city, and respectfully protest against the contemplated change of the grade of these streets. The grade of these streets was fixed many years ago, and the improvements erected on their property by the subscribers at a very large outlay were made with reference to and upon the faith of that so formally established and approved by General Washington.

We have built our residences and adorned them with trees, surrounded our gardens with substantial brick walls, and have generally made such improvements as we thought beneficial to and ornamental of our houses. To do this we have taken time and labor, and have expended large sums of money. The trees planted eighteen or twenty years ago, and nourished by us through all that time, have so grown until now they beautify the street and add comfort to our residences. If we are correctly informed, and we have taken some pains to ascertain the fact before troubling you, the change of grade which is contemplated, and upon which workmen are now engaged, will utterly destroy our trees, compel us to take down the walls erected around our gardens,

and materially interfere with the comfort of our residences. In addition to this, the bed of the street and sidewalks will be so lowered that, in some instances we will have to underpin our houses, change entirely our entrance, and add sub-stories, so as to make our residences habitable, and all this being done without consultation with us or any attempt to obtain our consent. We have enough to satisfy that we have no design, in making this appeal, to interfere with any work which is necessary to the public good, and that we have good grounds for our protest against it.

An ordinance of the council, approved April 25, 1871, to grade and trim F street, between Seventeenth and Twentieth streets, meets our approval, and we thought when the present work commenced that it was in execution of that ordinance. A protest similar to this was sent to the board of public works, from which we have received no answer.

In conclusion, allow us most respectfully to protest against the continuance of this work, which we are advised is yet without the sanction of law making the necessary appropriation, and which we know is calculated to inflict upon us incalculable injury.

With great respect, your obedient servants.

WASHINGTON, D. C., *January 31, 1872.*

W. B. WEBB sworn and examined.

By Mr. RIDDLE:

Question. State to the committee your residence, and then state, in your own way what you know about this work in F street.—Answer. I reside at 1918 F street, between Nineteenth and Twentieth. The memorial just read was prepared by me and was signed by a very large number (I think nearly all, with the exception, perhaps, of two or three) of the owners of property on F street, between Seventeenth and Twentieth. It was signed as largely as I could get it signed in the hasty manner it had to be done. I will not be certain whether that copy which was sent to the house of delegates was re-signed, but the copy sent to the board of public works was signed originally by those gentlemen. This work was commenced, as far as my recollection serves me, early in May, almost immediately after this ordinance was approved by the mayor. It was commenced in such a way as to indicate to us that some very great change was going to take place in the street. If I am not mistaken, Mr. Vanderburgh commenced, on a morning early in May, with enough carts and horses to have done the work which that ordinance contemplated in two days. He must have had twenty or thirty or forty carts there, and a company of men. We then began to inquire what was to be done, and it was ascertained, upon inquiry, that the board of public works contemplated this great change. The change between Seventeenth and Eighteenth streets, at the points they were cutting, was about eighteen inches, or probably 2 feet, increasing up to the corner, the squares being pretty long squares. Between Eighteenth and Nineteenth streets the cutting was as deep as 9 or 10 feet. Between Nineteenth and Twentieth streets, where I live, the street was left untouched, the surface being entirely turned up from the time that Mr. Vanderburgh put the sewer in the street the summer before last. It was left so through the whole of the winter and the whole of the ensuing summer, down to some time in August or September last, I think. When my family returned to the city, early in the fall, they had not begun to make the cutting on our square. They then went to work and commenced to cut down our square. The water-main on our square has been lowered at least twice. I have had to lower my service-pipes twice, and shall have to do so again. I have been without gas for two nights because of the freezing of the pipes. We have been deprived of gas several times, and time and again during the summer we have had no water in our house. Quite late in the fall they commenced the digging on the square above us.

Q. What is the depth of cutting at your house?—A. At my house I should think it was 4 or 5 feet.

Q. State whether the property on F street, from Seventeenth street up, is improved by houses being built on it?—A. Yes, sir. There are only one or two vacant lots between Eighteenth and Nineteenth streets. Many of the houses have ground around them. The houses on both corners of Eighteenth and F are large double houses, with surrounding grounds.

Q. State whether that is an old part of the city?—A. Yes, sir. Most of the improvements have been there a great many years. The trees were fine large trees, and there are none there now. They have destroyed all of them. I had not large trees in front of my house, but still they were of considerable comfort to us.

Q. What expense would be incurred necessarily by yourself to put your premises in relation to the new grade?—A. I have made no estimates.

Q. Do you know whether any estimates have been made by other property owners?—A. It is possible. One of my neighbors spoke to me about a uniform improvement which he proposed, and he probably has had some estimate made.

Q. What is the contemplated pavement of that street?—A. Asphalt. They have now covered the square in front of my house with the stone for that pavement.

Q. Do you know who has the job for that?—A. I do not.

Q. The sidewalks have been reduced?—A. Yes, sir; they took up the old sidewalks a long time ago and left us without sidewalks, and within the last four weeks they have had a sidewalk put down in front of the square that I live in. They took up the sidewalk, I should think, as long ago as two or three months, and we have been without a sidewalk for a long time.

Q. Do you know whether, during the past season, the grade has been changed and then again changed in part of that street?—A. Yes, sir.

Q. State what you know about it.—A. These changes in the pipes that I have mentioned were occasioned by the changes in the grade. They would dig to one point and then leave it so for a while and then come back and dig to another point. That has been done I do not know how often.

Q. You say you have changed your service-pipes twice?—A. Yes.

Q. Was that during the past season?—A. Yes. I have had to change the water-pipe twice and the gas-pipe I think only once.

Q. You say that you filed with the board of public works a protest similar to that presented to the house of delegates. What disposition did the board of public works make of it?—A. I never heard anything of it.

Q. About what time was that protest made to the board?—I think it was immediately after we saw these preparations. We were astonished to see this immense parade of men and carts, and we went and made inquiries, and then we made our protest. I got it up in a very little while. We heard nothing from the board of public works, and then we sent it to the legislature.

Cross-examined by Mr. CHANDLER :

Q. You spoke of trouble upon your square a year and a half ago; what was that occasioned by?—A. A sewer was laid through the square the summer before last, and Mr. Vanderburgh just filled the sewer in, and left the street in that condition. I went to him several times about it, telling him that we were feeling annoyed about it. The sewer fell in three or four times, and I had to get the commissioner of the ward to come and dump coal ashes into the holes that were made.

Q. This was under the city government?—A. Yes.

Q. And immediately after Mr. Vanderburgh commenced the work this difference of opinion and controversy arose about lowering the grade?—A. Yes. Immediately that we saw these preparations being made to do something in the street we went to work to find out what it was, and we found out that this entire change was to be made.

Q. Did these property-holders join in the injunction proceedings that were commenced in July to enjoin the board of public works?—A. I do not think any of them did.

Q. Did you take any part in it?—A. No, sir. I did prepare a bill to enjoin this particular work, but I came to the conclusion, after thinking the matter over, that that was not the proper course to pursue.

Q. But injunction proceedings were instituted after the act of July, and the injunction was continued against the board of public works until the election in November?—A. The injunction was to enjoin the issue of those bonds.

By Mr. RIDDLE.

Q. That injunction was not to stay any work, but to enjoin the issue of bonds under the act passed on July the 10th instant?—A. Yes.

By Mr. CHANDLER :

Q. And shortly after an injunction was issued by Judge Wylie prohibiting the board of public works or the governor from issuing bonds to pay for the works?—A. Yes. One of the reasons why I did not bring this matter into the injunction was because we were told everywhere that this work was being done under an ordinance of the old common council, and under an order made by Mayor Emery, and that it had nothing in the world to do with the injunction; that it was a work done under contract with the former government.

Q. Then why did you cease your arrangement to get an injunction?—A. I did not think I should succeed with the court. I did not feel certain that I could make a case.

Q. Judge Wylie did issue an injunction in July, which remained in force till November, against the issue of bonds?—A. Yes.

Q. And thereupon the board of public works stopped until August, when there was an appropriation of \$500,000?—A. I think they had stopped, and went to work again.

Q. The injunction was dissolved by a decision of the full court about the time of the November election, when the people voted upon a new \$4,000,000 bill?—A. I do not recollect the dates, but I presume you are right.

Q. And afterward the work was resumed?—A. Work was resumed, but I do not recollect the date of the resumption.

Q. But you have a general impression that the work was stopped about the time the injunction was issued and was resumed at the time the injunction was dissolved?—A. I have an idea that the work stopped about the time of the injunction, but I have also a notion that it was recommenced before the final decision.

Q. It was commenced after the act of August 11?—A. That I do not recollect. I know that it was stopped for some time.

Q. State what the condition of F street was from Seventeenth street to beyond your house before any work was done upon it either under the mayor's order or under the board of public works.—A. It was a street that needed trimming and graveling. It was a very good street until the sewer was laid.

Q. What was the condition of the pavement?—A. It was as good as pavements ordinarily.

Q. Was it a cobble-stone pavement?—A. No, the street was unpaved; it was one of those dirt-streets.

Q. What was the condition of the street in regard to business and as to the value of property; was it or not a street where property was dull?—A. It was dull.

Q. Did property find a ready sale?—A. I do not think there has been any particular sale for it since.

Q. Before that time had property on that street changed hands much?—A. Some little. It was a very quiet, retired, rural street, not a business street.

Q. You protested in May against these improvements?—A. Yes.

Q. State whether or not the value of the property along the street, when these alterations are completed, will be increased.—A. It is possible that some people may prefer to buy property there afterward. I do not think the street improved. I should prefer it as it was as a residence.

Q. Have you any doubts but that the improvements on the street when improved will change the character and value of property there largely?—A. Yes, sir; I doubt very much whether there will be any very great increase in the value of property there; and yet there may be. I really do not know how to answer that question.

By Mr. CREBS :

Q. Do the property owners pay a portion of the cost of improvement?—A. Yes. These special improvements are proportioned in such a way that the owners on one side of the street pay a part, and the owners on the other side pay a part, and the center of the street is paid for by the authorities on the general tax.

Q. Have you any knowledge of anything corrupt in the management of these improvements?—A. No, sir. I know nothing personally about it, except what I hear and what we all see in the papers.

Q. Do you know anything wrong done by the officials—improper or corrupt or fraudulent?—A. No, sir; I do not know anything of the sort.

By Mr. CHIPMAN :

Q. State whether or not, in your portion of the city, opinions have changed somewhat among the property-owners since they have come to appreciate fully the character of those improvements in your neighborhood?—A. I do not know that they have changed. No one that I talk with seems to have changed his mind on the subject.

Q. Do you think that all the memorialists who signed this protest would be glad to see the street restored to its former condition?—A. We would like to have had the street improved by being trimmed and graveled. I think they would like to see the street restored to what it was in that respect.

Q. You think that there has been no change at all in that hostility?—A. Not so far as I know. Those with whom I converse feel just as I do about it.

Q. Do you know whether or not there are incidental advantages growing out of those improvements, in the way of filling up streets below you that were low and marshy?—A. Yes, sir. I believe they have filled them up, but I do not know to what extent. It is difficult to get by there.

Q. What would be the effect of that? Would that depreciate property there?—A. It would improve that property down there, for it was worth nothing at all heretofore.

Q. So that that part of the city, at least, has been improved?—A. I think so.

Q. Then there should be credited, against the damages you complain of, the advantages accruing from this filling of the lower streets?—A. Yes; it has improved one part of the city.

Q. The street has been narrowed and the grade cut down?—A. Yes.

Q. What has been the reduction in the width of the roadway?—A. Twenty feet, I should guess; 10 feet on each side.

Q. That is a reduction of about one-third?—A. I should think so.

By Mr. HARMER :

Q. What would have been the condition, as to surface-drainage, of the streets cross-

ing F street at right-angles, if F street had not been cut? Would they have been properly drained?—A. As far as I recollect, the drainage there there was always pretty good. It was not first rate. There was a change needed in some respect for surface-drainage.

By Mr. ROOSEVELT:

Q. Do you know the location of Mr. Shepherd's houses?—A. Yes, sir; very well.

Q. Are they benefited more than the rest of the property on that street?—A. I think so; very much more.

Q. Why?—A. Mr. Shepherd's houses, as originally built, were built very low. What struck me as very peculiar was that, in the house at the corner of Eighteenth and F, the bay-window was so near the ground, according to the old grade, that you could look right into it as you passed. This grade has cut the street down, and has placed the side-walk away out from the houses, so that these houses are very much benefited by it. I do not think that the houses near Seventeenth street are very much benefited. I think there are too many steps up to them; that the houses are up too high; but the rest of the houses are very much benefited. They seem to me to have been built with a view to some change of grade.

Q. Where are they situated?—A. On F street—the north side—fronting south, and running from the corner of Eighteenth street toward Seventeenth street.

Q. You say that the street had been dug up previously for a sewer; how much of the surface did that take up?—A. The sewer runs near the center of the street. The earth was just thrown on after the sewer was completed, and no pains were taken to keep it from sinking. The earth caved in several times, and the commissioner of the ward had ashes thrown in.

By Mr. CREBS:

Q. What proportion of the property-owners along the street signed the protest?—A. On the square between Seventeenth and Eighteenth I think the proportion was about one-half, or very nearly. On the square from Eighteenth to Nineteenth I think all the property-owners signed the petition except one, a gentleman who lives in New York, but whose agent or attorney here either signed it for him or was ready to do so, and Mr. Brooks, of the House of Representatives. I do not think that that property was represented, but I think that all the rest of the property on that square was represented. On my square the paper was signed by about one-half, I think.

By Mr. HARMER:

Q. What percentage of the number of feet fronting on the street was represented by those who signed the paper?—A. Mr. Alexander, who signed it, and myself own together, I should think, about half, or, perhaps, rather more, on one side of the street. The Government owns Winder's building, occupying nearly half the square. On my square all on our side of the street was represented.

By Mr. CREBS:

Q. Did all have an opportunity of signing it, and did those who did not sign it refuse to do so?—A. I did not take it to anybody who refused; but I do not think that all the parties cared to sign it, not being certain whether the grade was going to be materially changed. On my square some of the property-owners were not aware that there was to be any change, except about 18 inches, until the time I mention, in August or September, when we were told that it was to be dug down 5 or 6 feet.

By Mr. ELDRIDGE:

Q. When were Mr. Shepherd's houses built?—A. They were completed last spring, I think.

Q. When were they commenced?—A. I think in the fall or summer previously.

Q. You say you think they were built low, with reference to a change of the grade?—A. Yes; that is the impression very generally as to them.

Q. Do you know that a grade was established by the city engineer many years ago which would have lowered the street?—A. I do not know the fact; but I have heard that there was a change of grade contemplated, to what extent I did not know. I think there was a change made in the grade some years ago, and that, I supposed, was all the change that was to be made.

Q. You spoke of Mr. Shepherd's property being more improved than the general property on the street. Would that low grade have improved his property more than the present cutting?—A. I think so. I think his houses would have been more improved if the street had been cut down less toward Seventeenth street.

Q. Do you give it as your opinion that when this street shall have been paved, as is contemplated, and the whole work completed, the property on the street generally will be injured by the cutting?—A. I think the property between Eighteenth and Nineteenth streets will be decidedly depreciated.

Q. I ask you first the general question with reference to the whole property on the street; will it be benefited or depreciated?—A. I think it will be a benefit to the general property on the whole street. It is possible that property may sell for more than it has done; but, so far as my own notion of things is concerned, I do not think it is an improvement.

Q. Do you not think that it is an improvement to F street?—A. The bed of the street is improved.

Q. Is not the street more desirable for residences?—A. I think not.

By Mr. CHANDLER:

Q. Has not property there appreciated lately in value?—A. I think that, so far as sales have been made, property has sold for a little more, but whether owing to this improvement or not I do not know. I had offered a lot for \$2,500, and a gentleman came along and offered me \$3,000 for it; but whether that was gas or not I do not know.

Q. Were there any sales going on before?—A. O, yes; property opposite me was sold; but it sold low.

Q. Did it not lie long unsold and then sell low?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. Was that street healthy or unhealthy previous to last summer?—A. It was healthier before last summer than it was last summer.

Q. Was it considered a healthy locality?—A. It was not considered a healthy street by anybody except the residents. All of us who lived there thought it a healthy street, but nobody else did.

Q. Its reputation was not good?—A. Its reputation was not good. It was unhealthy while it was dug up. The digging produced malarial fever there.

Q. When it shall have settled down again will not the grade established and the drainage brought about by it tend to make it healthier?—A. I hope so, but I do not see why. I do not see how that will change it. The unhealthiness of the locality has been due, according to rumor, to the vicinity of the marshes near the river and to the malaria which came from them. There is to be no less malaria from them unless something is done with the river. So far as the drainage is concerned I do not see that that is particularly improved. It may make our cellars a little less damp perhaps; the sewer did that.

Q. Is the bed of the street now as low as the bottom of your cellars?—A. The bed of the street must be below our cellars.

Q. That must necessarily make your cellars dry?—A. Yes; but we had a sewer there before which did all the drainage we wanted. The sewer is down below the present bed of the street; it has not been changed; it is just as it was laid.

Q. That sewer was never completed so as to have the street restored?—A. It was just simply covered up.

Q. Do you know whether it was left for further improvements; whether the grade was contemplated at that time?—A. It was my opinion that it was.

Q. And that that was the reason why the street was not restored after the sewer was put in?—A. I think it was contemplated long ago. That is my impression.

Q. Do you know whether it was contemplated to make the grade as low as it is now?—A. That I do not know. I had a conversation with Mr. Morsell, the gentleman who built those houses for Mr. Shepherd. He was in company with Mr. McKelden, and we had a conversation together. Mr. Morsell indicated to me a more remarkable change of grade than I supposed could be contemplated; and it turned out as he said. We were standing opposite Mr. Shepherd's houses, and Mr. Morsell said the street would have to come down. I did not pay much attention to it at the time, but it struck me since.

Q. Have the cross-streets been made to correspond with the grade on F street?—A. Yes, sir, the cross-streets, Eighteenth, Nineteenth, Twentieth, and Twenty-first, have all been cut down, I think; and latterly G street has been cut down.

Q. Where does the drainage of these streets go?—A. To the river. It was calculated when the sewer was built to carry the drainage to Rock Creek; but when they came to our corner they found that the sewer was coming too high to drain our cellars, and then they changed the direction of our sewers to Seventeenth street; we drain into a sewer in Seventeenth street which runs into the river.

Q. You say that the grade was changed two or three times during the summer?—A. Yes.

Q. And the pipes had to be changed accordingly?—A. Yes.

Q. Were the first grades merely temporary, so as to accommodate the people on the street while the cut was being made?—A. No; I think they were permanent.

Q. Do you know the fact whether that was an actual change of grade, or whether it was a mere temporary arrangement?—A. I do not know. I only speak of things as I draw my conclusions from them.

Q. Is it your opinion that the pipes were intended to be permanent each time that they were put down?—A. That is my opinion.

Q. Were the pipes covered up and then lowered down again?—A. They were.

By Mr. ROOSEVELT:

Q. You say that that property has increased in value. Has property generally in the city increased within the same time?—A. Yes; I think so.

Q. Has this increased any more than other property?—A. I think not.

By Mr. ELDRIDGE:

Q. Improvements have been made generally in the city under the present system?—A. Yes, sir; I have no objection at all to the improvements.

By Mr. HARMER:

Q. Were you troubled with water in the cellars prior to the street being cut down?—A. Some of the houses had water in the cellars; in my cellar there was a dry well; we had no street sewerage at all.

Q. That difficulty has been obviated since the street has been cut down.—A. Yes; since the sewer was laid down.

By Mr. ELDRIDGE:

Q. Was this improvement on F street in accordance with the general system of improvements?—A. I think not; I think that that was *sui generis*; I think that that was something done with some special reason.

Q. Does it correspond with the other improvements?—A. O, yes; it is a harmonious system; but I do not see that the improvement on F street has anything to do with any other improvements going on all over the city.

Q. It does not necessarily connect itself and require to be made in harmony with the rest?—A. No, sir; I think not.

Q. As far as is necessary these improvements on F street and the surroundings are in harmony with one another?—A. Yes; but they seem to be independent; it is a part of the system of improvements, but I do not see that it has anything to do with the other improvements.

By Mr. ROOSEVELT:

Q. You say you have no objection to improvements?—A. I mean to improvements generally; but I do object to this F street improvement, because I think it has been a very foolish one.

By Mr. ELDRIDGE:

Q. Do you own property in other portions of the city?—A. Yes, sir; in one or two other portions of the city.

Q. Do you represent a large property interest in this city?—A. I have in my hands as trustee considerable property in various portions of this city.

Q. You are a practicing lawyer in this city?—A. Yes.

Q. You are connected with the city generally?—A. Yes; I was born in the city, and am still living here.

Q. You think that the improvements made generally in the city have had a tendency to improve the value of property?—A. I think so, in some localities, where they have not dug too much. Generally, I think so.

WASHINGTON, D. C., January 31, 1872.

COLUMBUS ALEXANDER sworn and examined.

By Mr. RIDDLE:

Question. State whether you own property on F street, on the line of the improvements spoken of?—Answer. I do. I own property on F street, between Seventeenth and Eighteenth. The whole front that I own there is about 140 or 150 feet. There are three houses on one portion; and there are three vacant lots fronting Mr. Shepherd's property. I have about 80 feet there, and about 60 or 75 feet below.

Q. State in what manner your property is affected by these improvements?—A. In the first place, the street has been cut down, and the property has been very materially injured. They are now cutting down New York avenue, so that I cannot get access to the back part of my premises. There is no alley on that square. We have been in the habit heretofore of getting access to the rear by New York avenue; but that has been cut down about two feet; and how much lower they will cut it I cannot say. I have no way of getting in my coal and wood.

Q. What depth have they cut in front of your property on F street?—A. Four or

five feet, I think. there are six Seneca stone steps up to the old side-walk. As they are each eight inches in height, that would make four feet. They have put up a very worthless brick wall on that street. The frost has got into it, and the mortar is crumbling out. That wall is to keep up the embankment.

By Mr. HARMER :

Q. Is that a dry wall or a plastered wall ?—A. It is a wall of brick and mortar. The steps are of Seneca stone.

Q. Who did that work ?—A. I think the board of public works did a great portion of it.

Q. On their own motion, or at the request of property-owners ?—A. I cannot say. I put mine in myself. The steps alone cost, I believe, \$140 or \$150, to say nothing of the other improvements.

Q. What will it cost you to make the property in as good condition as before the improvements ?—A. I suppose from \$500 to \$600. I do not know what I shall be charged by the board of public works, for that is a thing which is very hard to get at. I have not been able to get at the expense of it.

Q. You mean as to the tax which you will have to pay ?—A. Yes, sir. I suppose it will cost me from \$500 to \$600 to fit up the houses properly. I do not speak of the vacant lots fronting Mr. Shepherd's property.

Q. In what condition does it leave property on the cross streets ?—A. At the corner of Eighteenth street the embankment will be 5 or 6 feet high, and at the lower corner of Seventeenth street about 2 feet high.

Q. The cross streets are being made to correspond with the new grade of F street ?—A. Yes, up to Twentieth street. I own property running down Twentieth street. The board of public works has run a street down there. I own some 200 feet in that neighborhood. A side-walk was put down there last year, or the year before, costing me \$500 or \$600. The whole of that pavement has been destroyed and the brick hauled off. All the curbs have also been taken off opposite the vacant lots which I own on F street.

Q. Have you brought this matter yourself to the attention of the board of public works ?—A. I signed that protest which has been read here ; a copy of it went to the board of public works, but no attention has been paid to it.

Q. Have you communicated with the board in any other way ?—A. Not in reference to F street. I have another piece of property, about which I have written to the board, but they never condescended to answer one of my letters.

Q. What number of property-owners on F street have united in these objections and protest ?—A. I have not heard of one to whom it was presented refusing to sign it. A good many who did not sign it have told me that, if it had been presented to them, they would have signed it.

By Mr. CHANDLER :

Q. How long have you owned property on F street ?—A. Twenty years, I guess.

Q. How long have you resided in Washington City ?—A. About thirty years.

Q. Has not your property largely increased in value within the last year ?—A. I do not think it has. I offered to sell it five years ago for the same price which I should be glad to take for it now. I should be very glad to get its assessed value for it.

Q. Have you sold any property within the past year ?—A. I have conditionally sold some of the lots fronting Mr. Shepherd's property, but I have not got the money for them.

Q. Have you conveyed the property ?—A. No, sir ; I hold on to it till I get the money.

Q. At what price have you sold it ?—A. A dollar the square foot.

Q. These lots run back to New York avenue ?—A. Yes. I offered them for sale five years ago at the same price.

Q. Have you offered to sell them for less than that within the last five years ?—A. I did when I heard of these contemplated improvements.

Q. At how much less did you offer it ?—A. A good deal less.

Q. Can you state the time and the price you fixed ?—A. I cannot exactly.

Q. Was it as low as fifty cents a foot ?—A. No, sir. I have no recollection of ever offering it at fifty cents ; but I know that I am very anxious now to sell all the property I have got.

Q. Because you believe it will be injured by the improvements ?—A. Yes, sir. I know very well that, if they go on at the same rate, they will soon improve me out of all the property I have got. I had about \$6,000 or \$7,000 to pay last year.

Q. What payments have you made so far on account of improvements ?—A. I really cannot tell. I think that, in January, 1871, I paid between \$6,000 and \$7,000 for improvements.

Q. How much property do you own in the city ?—A. I own about \$100,000 worth of property.

Q. How many houses do you own?—A. I do not recollect now; perhaps fifteen or twenty; perhaps more.

Q. You have not sold any of your property on F street at less than a dollar a foot?—A. No, sir.

By Mr. RIDDLE:

Q. Have you recently paid for pavements that have been taken up?—A. In the amount which I have spoken of there was a payment of between \$500 and \$600 for a side-walk pavement, which has been all destroyed by the board of public works; that is at the corner of Twentieth street and New York avenue. I have also valuable lime-kilns there, worth \$4,000 or \$5,000, which will be destroyed and covered up some 15 or 18 feet.

By the CHAIRMAN:

Q. You speak of the side-walk being destroyed; was that by the change of grade?—A. Yes. The grade at that point was raised some 10 feet.

By Mr. CHANDLER:

Q. The brick has been taken up to be used again?—A. I do not know who will use the brick again.

Q. They have taken the brick up and raised the side-walk?—A. They have not raised the side-walk yet, only the carriage-way.

By Mr. ELDRIDGE:

Q. Do you know whether it is the purpose of the board of public works to restore these side-walks?—A. It is very hard to say. It is difficult to get information from the board of public works.

Q. Have the side-walks been restored in any place?—A. They have been restored in some places in F street; they took up the old brick and put it back.

Q. Have they in all cases, where the street is completed, restored the side-walks?—A. They have restored them with the old brick in front of my property; but they have not laid as good a side-walk as was there before.

Q. How did your tax of \$6,000 or \$7,000 last year compare with the year before?—A. The year before I paid, I think, \$4,000 or \$5,000.

Q. You think your taxes were a little more in January, 1871, than they were previously?—A. Under Mr. Bowen's administration I paid a little less. Under Mr. Emery's I paid a little more. Under the board of public works, I cannot tell how much I will have to pay.

Q. This \$6,000 or \$7,000 was paid under Mr. Emery's administration?—A. I should think it was.

Q. Have you paid any taxes under the present government?—A. I have paid the general tax. I have not yet paid the special tax.

Q. The general tax which you have paid now, was it greater or less than under Mayor Emery's administration?—A. It apparently looks less. It was \$1 70 on the \$100; but I understand that they have kept another matter back.

Q. What is the matter that is kept back?—A. I do not fully understand it yet. I believe there is some measure now in Congress about it—about funding the old debt. They talk about making us pay 70 or 80 cents on the dollar.

Q. Do you yourself know of any dishonesty on the part of any public officers of the city?—A. I do not know. It is very hard to find out.

Q. You do not know of any dishonest or fraudulent act of any member of the board of public works?—A. I do not. I have made inquiry, and tried to get information, but was not able to get any. When Mr. Vanderburgh began the work in F street, I think in May, I called on Mr. Browne, one of the members of the board of public works, and asked him by what authority the change of grade was made. He said that Mayor Emery did it. "Well," said I, "I understand that it is being done under the board of public works." He said "It is not so, sir. Mr. Emery gave the order."

Q. When was that?—A. That was in May last.

Q. Had the work been commenced at that time?—A. It had been commenced.

Q. Do you recollect what day in May that was?—A. I do not recollect. I know that I had a piece published in the paper on the 26th of May, and that it was some time before that.

Q. This \$5,000 or \$6,000 of which you spoke, did it include the taxes for the streets and sidewalks?—A. It included all kind of special taxation—pavement, sewers, nuisances, and general tax.

Q. Were you assessed for, or compelled to build on your own account, in addition to that, a new sidewalk in front of your premises? Was there any other assessment on you for improving your sidewalks?—A. I think there was.

Q. So that the \$5,000 or \$6,000 did not include these things?—A. It did not embrace everything that I had to pay.

Q. Can you state about how much, of all kinds of taxes, you had to pay for the year

up to January, 1871?—A. I cannot without looking over my books; I suppose about \$7,000 or \$8,000. I know that there are some taxes now levied on me, which I do not intend to pay, and which I will resist in the courts.

Q. Taxes levied under the present government?—A. Yes. I think I shall give them a tussle.

Q. What taxes are those?—A. The change of grade on F street is one.

Q. Do you know how much your proportion of tax for that is?—A. I do not know yet; it is a thing which I have been trying to find out.

By Mr. ROOSEVELT:

Q. In this sale which you have made, is the purchaser to pay the tax for the improvements?—A. Yes.

Q. Do you think that Mr. Shepherd's property is improved?—A. I think his property is very much improved; more so than anybody else's on the street.

By Mr. ELDRIDGE:

Q. How is it as to your property, exactly opposite Shepherd's—is that improved?—A. I do not think it is.

Q. Why is it not as much improved as Mr. Shepherd's?—A. Shepherd's is cut down and terraced.

Q. When yours is cut down and terraced, will it not be as much improved as Shepherd's?—A. No; mine is on the wrong side of the street; I think that property on the other side is more valuable.

Q. Will not the improvements appreciate that as much in proportion as Shepherd's?—A. I do not think it will exactly; it may, perhaps.

Q. If not, why not?—A. I do not say that it has not improved it proportionately.

Q. It was not worth as much originally as Shepherd's?—A. I do not think that his was worth any more.

Q. I suppose you meant that the opposite side of the street was more valuable?—A. Rather more desirable, and perhaps some people think it a little more valuable.

Q. Aside from that, is not your property—exactly opposite his—as much improved, proportionately, as his?—A. It may be.

Q. What is your opinion?—A. That is my opinion.

Q. Do you not think yourself that the property on that street has been appreciated in value by the improvements, take all together?—A. It may be so.

Q. That is your opinion?—A. My opinion is, that I cannot see much difference in the value, judging from what I have asked for the property heretofore.

Q. Is it your opinion that the value of property in the whole street has improved or not?—A. I cannot see that it has increased in value.

Q. When the pavement is completed, as contemplated, and the street finished, will property be appreciated or lessened in value?—A. I think it will be about the same. I cannot say that I should like to have a canal cut in front of my house.

Q. I am speaking of the value of the property for sale?—A. I do not think it will sell for any more.

Q. Are your cellars improved?—A. There are no cellars to my houses.

Q. The cellars in the street, are they improved?—A. I do not know anything about it.

Q. Is the drainage improved?—A. We always had very good drainage before; I never heard any complaints.

Q. Is it improved?—A. I cannot say; I am not engineer enough to say; I know that we had good drainage before, and that there were no complaints about it.

Q. The street was not considered a very healthy street before the grading?—A. Not by the non-residents, but I have lived there for twenty years, and have never been sick once. I have frequently heard people complaining and crying down the property, especially when they did not happen to own any.

Q. Is there any change of sentiment among the people since they have seen what the work is to be?—A. The non-tax-payers think the change a good one.

Q. They like it better?—A. They like it; it is a very nice thing for them?

Q. Suppose that you had no taxes to pay, would you like it?—A. I think I should join the league.

By Mr. HARMER:

Q. The tax which you paid in January, 1871, was that the tax for 1870?—A. I think it was.

Q. What is the assessed tax for 1872 upon the same property upon which you paid \$5,000 or \$6,000 for 1870?—A. I do not know anything about the special tax or assessed tax. I own a lot at the corner of Third and I streets east, and I wrote to the board of public works, remonstrating against their raising the pavement about 4 or 5 feet above the grade, but they paid no attention to my remonstrances, and the next notice that I received was a bill for some \$726 on two lots. I wrote a pretty sharp letter, complain-

ing of it. They referred the matter to the first assistant engineer, and I think he made a slur upon me, by saying that I was a mean sharper, or something of that kind.

Q. What was the amount of tax that you paid on the same lot for 1870?—A. That was the special tax.

Q. What was the entire tax for 1870?—One dollar and eighty cents on \$100.

Q. What is it for 1872?—A. I think \$1 70.

By Mr. CREBS :

Q. You have a general system of taxation on the valuation of property?—A. Yes.

Q. Do I understand you to say that you cannot find out from the board of public works what your special tax on the F street property is?—A. I applied to the board to ascertain it, but I have not yet been able to ascertain it.

Q. What proportion of the expense of the improvement have you to bear?—A. The law, I think, says one-third.

Mr. CHIPMAN. That would be one-sixth on each side of the street.

Q. (By Mr. CREBS.) What is your estimate of the cost of grading F street?—A. I have no estimate of it.

Q. It is one-sixth of the whole cost of the improvement?—A. Some say so, and some say it is one-third. I myself cannot tell. The law, I think, says it shall not exceed one-third.

By Mr. ELDRIDGE :

Q. To what officers of the government did you apply to find out the amount of your tax?—A. I think the first person I spoke to of the board of public works was Mr. Magruder. I told him I would like to see the contract for the work on F street.

Q. Did you ask him to tell you what the tax was?—A. No, sir.

Q. Did you ask any member of the board of public works the amount of your tax?—A. No, sir; I do not think I did.

Q. And what do you mean by saying that you went to find out, and could not find out?—A. I expected to find out from the contract what the work was going to cost, and thus ascertain what the general tax was.

Q. You asked Mr. Magruder to show you the contract for the F street improvement; what reply did he make?—A. He referred me to Dr. Tyndale, and he referred me to somebody else. I went down stairs to the person to whom Dr. Tyndale referred me, and he was not in. I went back a day or two afterward to the office of the board of public works, and could not find any of them there. Dr. Tyndale was the clerk to the board, I think.

By Mr. ROOSEVELT :

Q. Why is it that you think that the non-tax-paying residents on F street approve of the change?—A. It takes the money out of people's pockets, and puts it into the pockets of a good many of those who approve of it; that is my idea of it.

By Mr. CREBS :

Q. Is the system of sewerage and the system of the grade of the streets connected, or are they separate? How is the sewer placed?—A. It is placed very low in the center of the street.

Q. It was placed there before the change of the grade was made?—A. Yes; it was placed very low, so low that there was no necessity of changing it.

Q. Then the drainage and the sewerage are just the same as if there had been no change in the grade of the street?—A. I cannot say about that; I have not examined it very thoroughly.

Adjourned till Tuesday morning.

WASHINGTON, *February 1, 1872.*

Mr. RIDDLE presented and put in evidence a paper furnished by Mr. Chandler, and made under the direction of the District government, being a general plan of improvements. He stated that it was reported by the engineer of the board, Mr. Mullett, and by the first assistant engineer, Mr. Forsyth, and contained a schedule of all the contemplated improvements. He called attention to F street, on page 4 of this schedule; F street north, between Seventeenth and Twenty-first streets west. In the first column a gutter-stone was estimated at \$2,732; grading, 12,200 yards, at 25 cents a cubic yard; a cobble-stone pavement, 900 yards, at 70 cents a yard; the sum total being carried out at \$9,148.

Mr. ROOSEVELT asked Mr. Riddle whether there was a profile of the work.

Mr. RIDDLE replied that the paper presented was simply a schedule of contemplated

changes, improvements, and alterations, with the methods of making them, and with the estimate of costs and expenses, and sums total.

Mr. ELDRIDGE inquired whether there was any statement in it showing any difference in the grade of F street as established and worked upon.

Mr. RIDDLE replied that it simply proposed a grade for F street, and estimated the work at 12,000 cubic yards. He offered it as showing what the board of public works had proposed to do with that street.

Mr. ELDRIDGE. Do you propose to show that they did not do it?

Mr. RIDDLE. I have already shown that they did not pave it with cobble-stone, as they proposed, but with concrete.

Mr. COTTON. Is this under the eleventh charge?

Mr. RIDDLE. It is.

Mr. COTTON. That is, for making a contract before there was an appropriation made to meet it?

Mr. RIDDLE. That charge embraces these two propositions—that is, that they have made contracts and done work without an appropriation. I showed the committee yesterday that there was an appropriation of only \$600, and that there was no contract.

Mr. ELDRIDGE. What is the object of putting in this testimony?

Mr. RIDDLE. To show that they have not followed the law. I have shown that they have departed from their own specifications in so far as the pavement is concerned. The charge is mainly that they have disregarded the law, not in a trivial manner but in very large expenditures. Whether those expenditures have been for the benefit or for the detriment of property, is not a part of our case. If it belongs to the case properly, it comes from the other side.

Mr. CHANDLER. I suppose your theory is, that the only law under which the improvements in F street were made was the law passed by the corporation of the city?

Mr. RIDDLE. That is the only law I have been able to find, and when I turn to the communications from the mayor, from the citizens, and from the governor, to which I will now call the attention of the committee, I find that they predicate the whole upon that act of the city council, and on the authority of the mayor. In proof of this, I will now read to the committee, and put in evidence, the official letter of the governor, addressed to the house of delegates, in response to a resolution of that body:

IN THE MATTER OF IMPROVEMENT ON F STREET NORTH.

DISTRICT OF COLUMBIA, GOVERNOR'S OFFICE,
Washington, D. C., May 31, 1871.

To the House of Delegates, District of Columbia:

GENTLEMEN: I have received a copy of a resolution passed by your body on the 22d instant, as follows:

"Resolved, That the governor be requested to communicate to this house by what authority and necessity occasioned the change of grade on F street, from Seventeenth to Twentieth streets, and the streets intersecting said streets, and under what law said work is being done."

In answer to the inquiries of the resolution, I have the honor to state that the contract for grading and trimming F street, between Seventeenth and Twentieth streets northwest, was made on the 29th day of April, 1871, between Matthew G. Emery, mayor of the city of Washington, for said city, and J. V. W. Vanderburgh, esq.

The law authorizing the work to be done was passed by the corporation of Washington on the 25th day of April ultimo, and is entitled "An act to grade and trim F street northwest, between Seventeenth and Twentieth streets." The order for the work emanated from the city hall on the 29th of April, 1871, a copy of which is herewith transmitted. The amount appropriated therefor was \$600.

In a communication addressed to the board of public works, from William Forsyth, esq., superintendent and inspector of carriage-ways, &c., of the city of Washington, dated the 23d instant, he says: "The grades in relation to the improvement are in conformity with the revised grades as instituted by Randolph Coyle, esq., in 1853, and I regard this grade in the locality the best for the interests of the city." A copy of Mr. Forsyth's letter is inclosed.

It may not be improper for me to refer you to the case of *Smith vs. Corporation of Washington*, 20 Howard, 135, in which it is decided that the city of Washington possessed full power to alter the grades of the streets whenever it may deem necessary to do so.

Justice Grier, in delivering the opinion of court, says: "There are two questions involved. * * First, whether the corporation (defendant) had power to change the grade of the street, or acted unlawfully and wrongfully in so doing; and second, if the act was lawful, were the defendants bound to compensate the plaintiff for the injurious consequences to her property?"

"1. First, then, as to the authority of the corporation.

"It is unnecessary in the consideration of this point, to recur to the early history of the foundation of the city of Washington. Suffice it to say, the land was originally conveyed to trustees, 'to be laid out as a Federal city, with such streets, &c., as the President shall approve.' It has been so laid out, and the streets dedicated to the public. As in all other cities and towns, the legal title to the public streets is vested in the sovereign as trustee for the public, and consequently in this district they can be regulated only by Congress directly, or by such individuals or corporations as are authorized by Congress.

"The act to incorporate the city of Washington, passed May 15, 1820, among other specific powers and duties enumerated in the seventh section, has the following: 'To open and keep in repair streets, avenues, lanes, alleys, &c., agreeable to the plan of the city.'

"It has been contended that this power to open and keep in repair does not include the power to alter the grade or change the level of the land on which the streets, by plan of the city, are laid out. But we think such a construction of this clause of the charter is entirely too narrow, and cannot be supported as consonant either with the letter or spirit of the statute. It is the evident intention and policy of this statute to commit to this corporation, as a municipal organ of government, whose members are chosen by the citizens, the care, supervision, and general regulation of the streets, as in other cities and boroughs.

"Where sums of money have been specially voted by Congress for the improvement of the city, it is usual to order it to be expended under the supervision of the President. But no inference can be drawn from such legislation that Congress intended to retain the whole police and regulation of the streets to itself, so as to require a special act to alter the grade of a street, or that the President, in addition to his other duties, has imposed on him that of street commissioner of Washington. The city corporation has the trust confided to them, and the duty imposed upon them, not only of opening the streets of Washington, but of keeping them in repair.

"Streets cannot be opened and kept in repair, or made safe or convenient for public use, without being made level, or as nearly so as the nature of the ground will permit. Hills must be cut down and hollows filled up, or, in other words, the road must be 'graded' or 'reduced to a certain degree of ascent or descent,' which is the proper definition of the verb 'to grade.'

"If the duty imposed on the corporation requires this to be done, the power must be co-extensive with their duty. If charged with neglect of their duty, as public officers bound to keep the streets in repair, it would not be a sufficient excuse to allege that the fences and obstructions are removed, and, therefore, the street is 'opened,' or that it has been kept in as good 'repair' as it was found.

"A court of quarter sessions would probably not receive a defense founded on such astute philological criticism of the terms of the statute. Nor could the allegation be admitted that having once fixed a grade, which is now found improper and insufficient, the corporation has exhausted its power, and has no authority to change the level or grade in order to keep the streets in repair. As the duty is a continuing one, so is the power necessary to perform it.

"2. Having performed this trust confided to them by the law, according to the best of their judgment and discretion, without exceeding the jurisdiction and authority vested in them as agents of the public, and on land dedicated to public use for the purposes of a highway, they have not acted 'unlawfully or wrongfully,' as charged in the declaration. They have not trespassed on the plaintiff's property, nor erected a nuisance injurious to it, and are, consequently, not liable to damages where they have committed no wrong, but have fulfilled a duty imposed on them by law as agents of the public. The plaintiff may have suffered inconvenience, and been put to expense in consequence of such action, yet as the act of defendants is not 'unlawful or wrongful,' they are not bound to make any recompense. It is what the law styles '*damnum absque injuria*.' Private interest must yield to public accommodation; one cannot build his house on the top of a hill in the midst of a city, and require the grade of the street to conform to his convenience at the expense of the public.

"The law on this subject is well settled, both in England and in this country. The cases are too numerous for quotation. A reference to one or two more immediately applicable to the questions arising in this case will be sufficient.

"In *Callender vs. Marsh*, (1 Pick., 417,) the defendant, as surveyor of the highways, was charged with digging down a street in Boston, so as to lay bare the foundations of plaintiff's house and endanger its falling. The authority under which he acted was given by a statute which required 'that all highways, townways, &c., should be kept in repair and amended from time to time, that the same may be safe and convenient for travelers.' 'This very general and exclusive authority' say the court, 'would seem to include everything which may be needed toward making the ways perfect and complete, either by leveling them when they are uneven and difficult of ascent, or raising them where they should be sunken and miry.' It was held, also, that the law does not

give a right to compensation for an indirect or consequential damage or expense resulting from a right use of property belonging to the public.

"In *Green vs. the Borough of Reading*, (9 Watts,) the defendants, by virtue of their authority to 'improve and repair,' graded the street in front of plaintiff's house five feet higher than it had been before, and it was held that the corporation was not liable to an action for any consequential injury to plaintiff's property by reason of such improvement or change of grade in the public street.

"In the case of *O'Connor vs. Pittsburgh*, (18 Penn. Rep., 187,) a church had been built according to the direction of the city regulator, and by a grade established in 1829. Afterward, in pursuance of an ordinance, the grade of the street was reduced 17 feet; the church had to be taken down, and rebuilt on a lower foundation, at a damage of \$4,000. The authority given to the city was 'to improve, repair, and keep in order the streets, &c.'

"The court say: 'We had this case reargued, in order to discover, if possible, some way to relieve the plaintiff consistently with law, but grieve to say we can find none. The law is settled, not only in Pennsylvania, but by every decision in the sister States, except one.'

"We are of opinion, therefore, that the instructions given by the court below on these points were correct, and affirm their judgment."

It is obvious that the doctrine or principle of this decision would apply to the board of public works of the District of Columbia, or any other body on which is conferred entire control of the streets, avenues, alleys, sewers, roads, and bridges of the district, with power to make all regulations which they shall deem necessary for keeping them in repair.

I have not deemed it necessary to cite the recent decision of the supreme court of the District of Columbia, in which the functions and duties of the board of public works aforementioned are ably and clearly defined and determined.

Very respectfully,

H. D. COOKE, *Governor*.

Mr. RIDDLE also read the following as referred to in the governor's message:

DISTRICT OF COLUMBIA, GOVERNOR'S OFFICE.

To the House of Delegates of the District of Columbia:

I have received the following preamble and resolution adopted by your honorable body on the 14th instant:

"Whereas there appears to be some difference of opinion as to, and by what, authority the work on F street, between Seventeenth and Twentieth streets, is now being done, as is evident from the communication of the governor to this house, dated May 31, 1871, and the letter of the Hon. Matthew G. Emery, late mayor of the City of Washington, to the honorable the speaker of this house, dated May 24, 1871: Therefore be it—

Resolved by the house of delegates of the District of Columbia, That the governor is respectfully requested to furnish this house with a copy of the contract referred to in his communication of the 31st of May, 1871."

At the date of my communication of the 31st ultimo, the originals of the contracts entered into by the then mayor of the City of Washington were yet in his possession. The house, however, was at that time informed that the authority for commencing the work to which the inquiry refers, "emanated from the city hall," and the original order then in my possession was not only alluded to, but a copy was appended to my communication. As the order may possibly have escaped the notice of the house, I quote it as follows:

"AUDITOR'S OFFICE, CITY HALL,
Washington, D. C., April 29, 1871.

"SIR: You will execute the act of the corporation, approved April 25, 1871, entitled 'An act to grade and trim F street northwest, between Seventeenth and Twentieth streets,' under your contract of April 29, 1871. The work to be commenced within — days, and completed within — days from the date thereof.

"J. C. McKELDEN, *Auditor*.
"J. S. C., jr.

"J. V. W. VANDERBURGH, esq., *Contractor*."

"J. C. McKELDEN, *Auditor*.
"J. S. C., Jr.

"J. V. W. VANDERBURGH, Esq., *Contractor*."

Since my communication of the 31st ultimo, the papers on file in the office of the city auditor have been examined, and among them was found the following order of the mayor, giving the date of the contract, and directing the prosecution of the work:

" MAYOR'S OFFICE, CITY HALL,

" Washington, D. C., April 29, 1871.

"MR. AUDITOR: Please issue order to J. V. W. Vanderburgh to proceed with the work under his contract of April 29, 1871, to grade and trim F street northwest between Seventeenth and Twentieth.

"Act approved April 25th, 1871.

" M. G. EMERY, Mayor,
" Per M. P."

WASHINGTON, D. C., June 20, 1871.

It will be seen from the accompanying copy of a communication addressed to me by Mr. J. V. W. Vanderburgh, that his signature to the contract for the work on F street was affixed to the paper prior to the issuance of the orders quoted above. It only remains for me to state that after diligent search I have been unable to find the contract, the existence of which, as of the date of the 29th April, 1871, is recognized by the mayor and the auditor.

H. D. COOKE,
Governor of the District of Columbia.

"102 SOUTH C STREET, BETWEEN FIRST AND SECOND STREETS EAST,

" Washington, D. C., June 19, 1871.

"SIR: In reply to your verbal inquiry, I have the honor to state that I signed the contract for the F street improvement, between Seventeenth and Twentieth, in the office of Mayor Emery, in the presence of his clerk, either on the same day that Auditor McKelden gave me the order to commence or the day before. The contract was signed before I received the order to commence the work.

"Respectfully, your obedient servant,

"J. V. W. VANDERBURGH.

"Hon. H. D. COOKE,

" *Governor of the District of Columbia.*"

JOHN LENTHALL sworn and examined.

To Mr. RIDDLE. I am an owner of property on F street, between Eighteenth and Nineteenth. I have resided there for the last twenty years.

Question. Have you any personal knowledge of the grade established for that street by Randolph Coyle?—Answer. When I built my house there, in 1852, I called upon Mr. Forsyth, who was connected with the surveyor's office, to give me the grade, which he did, and I went on to build the house. The pavement was not laid in that square at that time. Before a year afterward a resolution was passed to pave the square, and a question arose as to the correct grade. I wrote a respectful letter to the mayor asking him to supply it, and the mayor directed Mr. Randolph Coyle to come and give new points for the grade. Mr. Coyle came and confirmed the correctness of Mr. Forsyth's points, which he had given to me when I built my house. This was within a year of my building my house, in 1852. When I speak of the pavement I mean the sidewalks. On that occasion Mr. Coyle mentioned that he thought it would be an improvement if those back streets were graded.

Mr. ELDRIDGE, (to Mr. Riddle.) Is there no record of Mr. Coyle's grades?

Mr. RIDDLE. I suppose there is.

Mr. ELDRIDGE. Then we should not be taking testimony of conversation if you can show the grade by record.

Mr. CREBS, (to the witness.) Do I understand you to say that Mr. Coyle came there himself?—A. Yes.

Q. And fixed the stakes showing where the grade should be?—A. He revised the stakes that Mr. Forsyth had put down and said that they were correct.

Q. He said that they were correct according to the established grade?—A. Yes, sir. I was in trouble lest they should be altered. I do not know whether Mr. Coyle was the city surveyor at that time, but he came there, at all events.

By Mr. RIDDLE:

Q. What is the difference between the grade as you then understood it to be and the present grade as established by the board of public works?—A. The difference is at least 8½ feet at my house, and a little more east of my lot. My house is between Eighteenth and Nineteenth streets, on the south side of F street. Each side of the lot is the center of the square, and was originally the highest point of the grade. It was a rising grade, not a straight grade. It is directly opposite Mr. Brooks's house.

Q. Has it been necessary to change the sewer in that street?—A. No, sir.

Q. The sewer as it was constructed there was below the present grade?—A. The sewer was 18 feet below the surface of the street at my house. I had to connect my sewer with it, and it cost me a good deal. I had to dig 18 feet to reach it. The sewer is now nine or ten feet below the street.

Q. So that the change of grade has not necessitated any change in the sewer?—A. No, sir.

Q. What benefit, if any, is this change of grade to the drainage of F street?—A. I do not know that it is any benefit, because the surface water all ran off before there was a sewer.

Q. What effect does this change of grade have upon your property?—A. There is now no means of getting to the rear of the lots. I suggested to Mr. Shepherd that we should be allowed to cut the whole way so as to get access to the rear. Everything has to be raised 9 feet to be got into the house.

Q. Is there any means of reaching the barns or stables by the rear?—A. No, sir.

Q. Had you trees in front of your house?—A. No, sir, not in front of my house, but there was a large and handsome one at the corner, and two or three westward of me.

Q. What kind of pavement has been put on the street?—A. Asphalt. It is not yet completed, as the weather prevents its being laid.

Q. And what time last summer did they commence working on the street?—A. About the first of May.

(To Mr. CHANDLER.) The tree at my house appeared to be a rock-maple. There were twenty or thirty others on the street above me, but I do not know what kind they were.

Q. Has it been necessary to alter the walls of any of the houses on F street in consequence of these improvements?—A. If ever the board of public works order the street to be leveled up to the houses every house will have to be underpinned.

Q. But is it necessary now, as the improvements are?—A. No, sir.

Q. The walls of none of the houses have been injured?—A. No, sir, because the cutting does not come within 20 feet of them.

By Mr. ELDRIDGE:

Q. Were you one of the persons who protested against the cutting of the street?—A. I was one of the first to object to it.

Q. How much property do you own on the street?—A. Fifty-six feet front. The house is built on one part of the lot, and the other part is open.

Q. Did you yourself apply to any member of the board of public works in relation to the street before the grading was done?—A. No, sir; I had no knowledge of it until I saw them at work.

Q. While it was going on, did you make any application for a change?—A. No, sir. I represented to Mr. S. P. Brown, with whom I was acquainted, that I thought it was going to injure me if it was cut down to the extent it was proposed.

Q. What is your opinion as to the effect of the change of that grade on the property in F street, taken altogether; has it been appreciated or depreciated?—A. I should think it has not been increased; I think it has been rather depreciated, I know that my own is.

Q. Take the whole street together, is the property worth more or less now than it was before the change of grade was made?—A. I think it is worth less.

Q. Have you known of any property being sold on that street?—A. No, sir. I would give less for it myself.

Q. What do you think of Shepherd's property; is that improved by the grade?—A. It probably is improved somewhat. Those houses were designed for a level street.

Q. You think the value of that is increased?—A. I do not know that it substantially is. It may be somewhat. The houses look better.

Q. What is your opinion about it; is that property worth more or less?—A. I would not give any more for it than before.

Q. How is it with Mr. Alexander's property, opposite Mr. Shepherd's?—A. It is about the same. I would not give as much for it as I would before. One has to climb up steps to get at it.

Q. Mr. Alexander stated yesterday that it was worth more?—A. I do not deal in real estate and may not be so good a judge.

Q. Why do you consider your property worth less than it was before the change of grade?—A. I have to raise everything into the house, and if the board ever undertakes to cut the street down to the houses I will have to underpin the house. Thus all the houses are injured and the vacant lots are of no consequence.

Q. Suppose the board leaves the street just as it is, and suppose you fix the approach to your house so that you can get in and out easily, is your property then worth more or less?—A. I think it is worth less. I have nine feet to climb to get to the house.

Q. Do you think that your property cannot be sold for as much now as it could be sold before?—A. I think not. I could not get anything like as much for it.

Q. How is the property opposite?—A. It is about the same case.

Q. Who owns it?—A. Mr. Brooks, of the House of Representatives, owns one, and then there is a frame house which is of substantially no value, and then comes Mr. Wilson's house.

Q. Before this cutting was your cellar ever filled with water?—A. Never; it was perfectly dry.

Q. Or any cellars?—A. I do not know about the neighbors. My own never was. I never had any difficulty with a wet cellar.

Q. Do you know of any interest that Mr. Shepherd had in cutting the street down?—A. No, sir.

Q. Do you know of any dishonest or fraudulent acts in relation to that grading?—A. No, sir; I have no means of knowing of it.

Q. Do you know of any member of the city government who has made anything out of it dishonestly or fraudulently?—A. No, sir; I know nothing of the kind; I have no means of hearing or knowing it.

By Mr. ROOSEVELT:

Q. What do you mean by saying that Shepherd's houses were built for a level street?—A. It is a long row of fourteen houses, which would look better on a horizontal street than on an inclined street, both ends being the same height from the ground.

Q. Do you mean to say that those houses were built on an inclined street, and that the street as now cut down is a level street?—A. Yes, sir; it is nearer level than it was before. They have cut it down four feet between Seventeenth and Eighteenth streets and seven feet between Eighteenth and Nineteenth streets.

By Mr. CHIPMAN:

Q. How were they when they were first built; were they not then on a level with the street?—A. No, sir; the bay-window on the west house was about three feet over the ground; now it is about six feet.

Q. How high above the ground was the bay-window at the other end originally?—A. About five or six feet. It stands now about the same.

By Mr. ELDRIDGE:

Q. They only cut down the street 18 inches at Seventeenth street?—A. No, sir; it has been lowered some 4 feet there.

Q. How deep is it cut at Winder's building?—A. They have leveled that with the pavement. They have cut down the trees and leveled it in.

Q. How high is the basement of Winder's building above the level of the street?—A. I do not know. I have never been on the lower floor, but I presume it is about level with the pavement at the east end.

By Mr. ROOSEVELT:

Q. Did you ever hear any reason given for making this change of grade?—A. No, sir. In talking with the contractor's men, they said it was so that persons traveling through the avenue might see the river. I do not know whether they had any better reason.

By Mr. CHIPMAN:

Q. Did you ever hear that the last grade was fixed on account of the construction of the new State Department?—A. There was such a rumor.

By Mr. ELDRIDGE:

Q. Could you not see from the avenue to the river before this grading of F street?—No, sir. Now you can just see a little silvery streak as you walk down Eighteenth street.

Q. Could you see the river, down Eighteenth street, before F was cut down?—A. No, sir; I think the hill struck above the horizon.

By Mr. CHIPMAN:

Q. Have you seen any evidence to satisfy your mind—and, if so, what—that Mr. Shepherd's row of houses were built in view of this new grade?—A. No, sir; I do not know anything about that. The cellars were dug a considerable time before the houses were built. They had been dug by somebody else, and they were allowed to fill with water so that the neighbors complained on account of the water. They then began to build a wall, as if to pacify us, and the next thing we heard was that the property had been sold, and that a new row of houses was to be built.

By Mr. ELDRIDGE:

Q. Were the cellars dug then of the same depth that they are now?—A. Yes; they were dug 3 feet at the east end, and 7 or 8 feet at the west end.

By Mr. DARRALL:

Q. Are there any facilities for getting to the rear of your lot with carriages?—A. No, sir; there is no alley in that square. I live between Eighteenth and Nineteenth

streets, on the south side. I wrote a letter to the board suggesting the condemnation of an alley in the rear, as there was no access to the rear. I made that suggestion to the board, but I heard nothing more from it.

By Mr. CHIPMAN :

Q. Would the opening of an alley relieve the property there of the difficulties you speak of?—A. It would enable persons to get to the rear with carriages without having to cut down 8 or 10 feet of the embankment.

WASHINGTON, D. C., *February 1, 1872.*

HENRY K. RANDALL sworn and examined.

To Mr. RIDDLE. I reside at the corner of Eighteenth and F streets. I have resided there about eighteen years. I built the house which I now occupy. Before I built I applied to the surveyor of the city and got his certificate of the grade, and I built on the certificate. Demayne, I think, was the name of the surveyor. I have the certificate on file. The architect laid the foundations according to that certificate.

Question. What is the difference between that grade and the grade established last year at your place?—Answer. I think about 8 or 9 feet. There are twelve steps leading up to the house.

Q. On which side of F street is your property?—A. On the south side.

Q. State in what condition the change of grade leaves your property; whether it makes it more or less valuable?—A. I think it makes it much less valuable; there is no access at all to the stable, and the stable is wholly useless.

Q. Did you own horses and carriages before?—A. Yes, but I have none now. I have had to send the carriages away.

Q. Because you could not use them?—Not altogether on that account. I sent the carriage away because I could not get it to the house. The horses I had before parted with.

Q. In what condition does the change of grade leave the property on that square?—A. I think it is injurious to it all, but not so much so as to myself, my property being at the corner where the cut is deepest.

Q. So that they have cut down on two sides of you?—A. Yes, on the north and east sides.

Q. Did you have a cellar in your house?—A. Yes.

Q. Does that go down to the depth of the present level of the street?—A. I think the present level of the street is below the cellar.

Q. Is there an alley upon or near your property?—A. There is no public alley at all in the square.

Q. Is there a private alley?—A. I think there probably is to some of the houses.

By Mr. HARMER :

Q. Was Mr. Demayne the city surveyor?—A. He was either the city surveyor or his deputy.

Q. He was employed by the city?—A. He was.

Q. Were you ever troubled with water in the cellar prior to the street being cut down?—A. No, sir.

Q. Your lot fronts on Eighteenth and F?—A. I have three or four lots there. The house fronts on F street. The stable is in the rear, on Eighteenth street.

Q. And you have no means of entrance to the stable from Eighteenth street?—A. Not unless by mounting a hill some 8 feet high.

By Mr. ELDRIDGE :

Q. Does your house occupy the highest point on the street?—A. Very nearly the highest. Mr. Lenthall's house, just above me, is probably 6 or 8 inches higher.

Q. Have you ever offered your property there for sale?—A. No, sir, I never offered it for sale.

Q. Do you consider the street improved by the grade?—No, sir; I consider it very much deteriorated.

Q. Is the street itself improved?—A. As a street it may be.

Q. Do you consider it now a better street than it was before?—A. It has been decidedly injured.

Q. When the pavement is complete will the street be better or worse?—A. The street itself will be smoother and better, but the change will be injurious to the houses.

Q. Considering the property on the whole street, is it worth less than it was before the street was graded?—A. I think it is.

Q. How is it with Mr. Shepherd's houses?—A. They are probably improved by the street being cut down.

Q. How is it with Mr. Alexander's property, right opposite Mr. Shepherd's?—A. I should think it is not improved.

Q. Mr. Alexander thought it was. Did you hear his testimony?—A. Yes.

Q. You do not think it is?—A. I do not think it is.

Q. Is there any other property on that street besides Shepherd's which you think is improved by the grading?—A. No; I think not. His houses have been recently built, and seemed to be built predicated on this change; and, of course, they were improved.

Q. How is the property below Twentieth street; is it better or worse?—A. It has not been cut down as much as our property.

Q. Is that improved?—A. I think not.

Q. You do not think any of it improved except Shepherd's houses?—A. None, whatever.

Q. And you think that his were improved because they were built in reference to a grade?—A. I think so.

Q. When was the digging of the cellars of Shepherd's houses first commenced?—A. I think about a year and a half or two years before Shepherd commenced building.

Q. And they were then dug just as Shepherd left them finally?—A. I think they were a little deepened afterward; a good deal of earth was hauled away.

Q. Were they enlarged, or deepened?—A. I think they were deepened and extended back a little.

Q. That was done by Shepherd himself when he was building?—A. Yes.

Q. Were there any walls there previous to Shepherd's purchase of the property?—A. They had commenced the street walls, and left them unfinished.

Q. In which of the houses?—A. On the corner of Eighteenth street.

Q. How deep is the cutting in front of Shepherd's houses?—A. About 6 or 7 feet.

Q. Is there any means of getting to his lots with a carriage?—A. I think there is an alley in the rear; it may be a private alley.

Q. Who made that alley?—A. I do not know.

Q. You could make a private alley in the rear of your lot if you saw fit?—A. Yes; I have ground enough to make a private alley.

Q. Then, excepting that the street is cut down more in front of your lots than in front of Shepherd's, there is no more difficulty in your having a private way to get to the rear than in his having one?—A. No; there is no greater difficulty except that the cutting is deeper.

Q. Have you ever had any conversation with Mr. Shepherd about this grade?—A. Never a word.

Q. Or with any member of the board of public works?—A. No, sir.

Q. Or with any officer of the Government?—A. I have had one or two conversations with the governor on the subject of referring our petition to him.

Q. You signed the petition that was spoken of yesterday?—A. Yes. I signed one first to the governor and board of public works, and then to the legislature.

Q. Did you talk with the governor about it?—A. Yes.

Q. What did he say?—A. He thought it was a necessary and proper improvement, and that it must go on.

Q. When did you have this conversation with him?—A. Soon after the commencement of the deep cutting. I think it was in July last. The date of the petition will show. It was a few days after that date. I presented the petition to the governor in person.

By Mr. ROOSEVELT:

Q. Did the governor say why it was a proper improvement?—A. He said that the cutting down of Fifteenth street had improved that street and made it more valuable, and that he thought it would be the same with us.

Q. Did he give any other reason besides that?—A. No, sir, I do not recollect any other.

WASHINGTON, D. C., February 1, 1872.

ALBERT A. WILSON sworn and examined.

To Mr. RIDDLE. I reside at No. 2016 H street; I own property on F street, on the north side, between Eighteenth and Nineteenth; I have owned it about three years; it is improved property.

Question. State how that property is affected by the present grade of the street?—

Answer. My property is very much injured, and also my brother's. We own together 180 feet front on that street, from Nineteenth street eastward. In front of my houses the

cutting is, I think, about 9 feet. There was an alley behind my property coming out on Nineteenth street, but there has been no way of getting in there since Nineteenth street has been cut down. The cutting at the corner of Nineteenth street is about 8 feet I think. Nineteenth street is in an unfinished condition, and is hardly passable.

Q. Has there been a change made in the grade during the summer?—A. I think there has been.

Q. How much of a change was that?—When this work was first commenced, one of my tenants came to me and told me that they were going to tear up the street, and asked me to see about it, as he did not care to remain there if they tore up the street, in case of sickness. I went to Mr. Forsyth's house, as he was an acquaintance of mine; asked him what they intended to do on F street. He told me they intended to improve my property there very much. I asked him in what manner, and he said they were going to alter the grade of the street. While I was sitting there, he sent up stairs for a plan, and explained it to me. This was on the 4th of May. The cutting in front of my houses was to be six or seven feet, running out to a foot or a foot and a half at Nineteenth street. It did not affect the street above Nineteenth. Since that time they have cut down 9 feet in front of my houses, and I think from 6 to 7 feet at the corner of Nineteenth.

Q. Have you ever examined to see how much the street was cut down at Seventeenth street?—A. As far as I can judge, the cutting is between 3 and 4 feet.

Q. What effect did that cutting have on the trees in the street?—A. They were all destroyed. I had a very fine row in front of my property and my brother's. They were all taken down. They were medium-growth trees. My father had planted them some years ago. Some of them were poplar, and some maple.

Q. How can that property be improved so that you can have access to the rear for carriages; can it be done otherwise than by reducing the whole surface down to the level of the street, so as to make your property available?—A. I do not think my houses will ever be worth much without some pains. My basements were nearly level with the old pavement, but now we have a flight of twelve steps to get to them, and another flight of ten steps to get to the front door. I have lost two tenants already, and another, who has been there thirteen years, has given me notice that he is going to move.

Q. Will the houses have to be underpinned?—A. I think so, if they are ever to be worth anything.

Q. Was the plan which you saw at Mr. Forsyth's house signed by the board of public works?—A. It was signed by all the board of public works when I saw them the 4th of May.

By Mr. CHIPMAN:

Q. Had you ever offered your property for sale?—A. I had had offers for it previous to the change of grade.

Q. What were you offered?—A. One or two real estate agents came to me and wanted to know if I would not sell; I had not come into possession of it a great while, and did not care to dispose of it; they asked me to set a price on it; I valued my house at \$8,000; I have over 4,000 feet of ground in the lot.

Q. What will you take for it to-day?—A. I will take \$7,000.

Q. Do you think your valuation of \$8,000 was a fair valuation at that time?—A. Yes; I think it was a moderate price.

Q. And that \$7,000 is a reasonable valuation now?—A. Yes, I would take that for it; I have had to alter the service-pipes in front of my property on three occasions during the past season, and also to alter the sewer-pipe after getting the word of the surveyor where the grade was to be.

Q. When did you buy this property?—A. I did not buy it at all; I received it from my father, who owned it some forty years. The house was built in 1840.

Q. Had it been ever offered for sale?—A. No, sir; my father never offered any of his property for sale.

Q. You had no means of fixing the value of the property three years ago?—A. I merely judged what the property was worth by assessments &c.

Q. What had it been valued for for purposes of taxation?—A. I cannot say without referring to the tax-bills. The ground, I think, is assessed at 65 or 75 cents a foot, and there are 4,000 feet of ground. Under the old corporation, property was generally assessed at two-thirds its value.

Q. What are your improvements worth?—A. I suppose it would cost about \$5,000 or \$6,000 to build a house of that kind. There are no modern improvements in it.

By Mr. ELDRIDGE:

Q. Did you ever have any conversation with any member of the board of public works in reference to these improvements?—A. I had a conversation with Mr. Shepherd since the street has been cut down. It was some time last fall, I think, in November.

Q. What was the conversation you had with him?—A. The conversation was merely in reference to what I was to be paid for all the expense I had gone to in altering my service-pipes, &c.

Q. Did you have a talk with him at all on the propriety of these improvements?—A. No, sir; I did not. I signed a memorial protesting against them.

Q. Taking that whole street together, is the property worth more or less than before the improvement?—A. Some property, I think, is worth more and other property is worth a good deal less. Taking it altogether, I think it worth less; do not think that any property on the whole street is benefited except Mr. Shepherd's.

Q. And you think that his is benefited?—A. I think it is.

Q. How is that property right opposite to his?—A. That is vacant ground. Mr. Alexander's property is on a bank 7 feet high. I should not like to buy it, and go to the expense of cutting that bank down.

Q. Is not all the vacant property improved by that grade and paving?—A. I think not. My lot there is 9 or 10 feet above the level of the street. I do not think that that is improved any.

Q. When the pavement is all completed, will the street be better or worse than it was before?—A. The bed of the street will be better, as a matter of course, because paving improves all streets.

Q. Do you know when Mr. Shepherd bought that property?—A. I do not know the date.

Q. Who was it that commenced the cellars of his houses?—A. I understood that it was a gentleman named Kennedy, and other parties.

Q. Is Mr. Kennedy a real estate dealer?—A. I think it is the Mr. Kennedy who built that property near the Arlington House.

Q. How long ago were those cellars commenced?—A. About a year or so before Mr. Shepherd built. They were evidently dug for large houses.

Q. Do you know what Mr. Shepherd paid for that property?—A. I heard that he bought it at 65 or 75 cents a foot.

Q. Was not that really as desirable property as any on that street?—A. I do not know that it is. I should like the square above, between Eighteenth and Nineteenth, much better.

Q. Would the property between Eighteenth and Nineteenth have sold, at that time, for less than Shepherd paid for his?—A. I think it would.

Q. Was not property worth more on that street the nearer it was to the public buildings?—A. I do not know. There was a rumor a year or two ago that the Government intended to take that square, and there were a great many drummers and agents around after the property.

Q. Is not property on the east end of that portion of F street worth more than it is on the other end; does it not grow less valuable as you go west?—A. Yes, because there are less improvements west.

Q. Then this property of Shepherd's, being vacant property, was as valuable as any property on F street at the time he bought it?—A. It may be so. I should like the property above it better.

Q. Were your vacant lots at that time worth more than 75 cents a foot?—A. I think so. I think they would have brought that in the market.

Q. What would it have brought at the time Shepherd bought this property?—A. I think it would have brought 75 cents a foot without any trouble.

Q. What would you take for it now?—A. I would take 75 cents for it now.

Q. But you say that it is injured?—A. I am speaking of the vacant property.

Q. What has been the injury to it?—A. Just what it would cost to cut down the lot to the sidewalk.

Q. How much less than 75 cents will you take for it?—A. I do not propose to take less.

Q. Then it is not injured at all. Is it worth any less than it was before? Will you take any less for it?—A. Yes, I will.

Q. How much?—A. I cannot tell you until I figure up. If I were going to buy, I would not like to give over 65 cents for it. If I were going to sell, I would try to get more.

Q. Is your vacant property worth as much as Alexander's property opposite Shepherd's?—A. Mr. Alexander's property is on the corner, and I consider property on the corner worth more than property in the center of the square.

Q. What would you call his vacant property worth?—A. I suppose from 80 cents to \$1 a foot.

Q. Was Shepherd's, when he bought it, worth as much as that?—A. I do not know but that it was.

Q. Is it worth any more now than what Shepherd paid for it?—A. I do not know that it is worth any more.

Q. But Shepherd bought it for 75 cents?—A. That was a forced sale, as I understood.

There was some misunderstanding between the parties, and the property was put upon the market.

Q. Was it worth any more than 65 cents?—A. I think it was worth 75 cents.

Q. Then why is Mr. Alexander's property worth from 80 cents to \$1 to-day?—A. There have been houses built there, and they are occupied by nice people, and that brings property up.

Q. Does not the fact that it is a good street or a bad street influence the value of property?—A. I always looked upon it as a nice street.

Q. Is it not a very nice street now?—A. The street itself is.

Q. Do you believe that vacant property on that street is injured by the grade?—A. I do. If a man wants to build, I consider it injured. Most of the vacant ground is attached to dwellings. I think it is injured.

Q. How much?—I cannot say that I am a competent judge, but I think that property is depreciated on the square above Mr. Shepherd's. I consider Mr. Lenthall's property and Mr. Randall's property injured.

Q. How much is Lenthall's property injured?—A. I cannot say.

Q. What would his property have brought before the change was made?—A. I have no idea.

Q. What would it bring now?—A. I have no idea.

WASHINGTON, D. C., *February 1, 1872.*

CHARLES MASON sworn and examined.

By MR. RIDDLE:

Question. State your residence?—Answer. My home is in Iowa; I am a good deal in this city.

Q. Was civil engineering a part of your education and profession?—A. Civil and military engineering was a part of my education. I am a graduate of the Military Academy of West Point.

Q. Have you paid any attention to engineering since then?—A. Not as a profession. I have always been interested in it, and have had some occasion to make use of my information, but not to any great extent.

Q. Has your attention been called to the alleged improvement on F street, west of the War Office?—A. Yes, sir. I have been through the city, and have noticed it as I have walked about.

Q. State what you have observed in relation to the grade and its effect upon property?—A. The grade at Seventeenth street is cut down at least 3 or 3½ feet; further west it is considerably more—8 or 9 feet I should presume, judging by the eye.

Q. Did you observe whether the present surface of the street is level, or whether it has conformed to the original make of the ground?—A. It does not seem to conform with the original make of the ground; I rather think that it descends eastward.

Q. But its surface is very nearly a right line?—A. Very nearly level, much more nearly so than it was originally, with a little inclination toward Seventeenth street.

Q. What effect would that have upon adjoining property, say where the street is cut down 7 or 8 feet?—A. It would be somewhat a matter of taste. I should not suppose that it would benefit improved property; I should suppose it was a detriment to improved property.

Q. Take property built, as the old houses were, nearly on the surface, and state what means you would take, after the reduction of the level of the surface of the street, in order to make that property convenient and habitable. Have you to grade the whole of it down to that level?—A. You have got to have steps to go up to the property, or you have got to grade the property down. Persons would have to exercise their own taste about that. If the property was brought to the level of the street the houses would need to be underpinned.

Q. How would you get to the outhouses with wood or coal, or how would you get carriage horses to the stables?—A. It would be difficult unless you graded it down. The ground appears to be above the grade clear across from F to G street on the one side and from F to New York avenue on the other.

Q. Has the cutting of the street down improved the drainage of that street or of the adjoining property?—I think that the street was drained before. I judge that the water would run off from that street as it was before.

Q. Has any part of the pavement been completed there since you have seen it?—A. I think there has been some paving done about Seventeenth street.

Q. Can you determine what kind of pavement it is to be?—A. I think it is asphaltum.

Q. Have you ever examined it so as to make an estimate of the cost of the improvement?—A. I would not be able to form a definite opinion on the subject without the data.

By Mr. ELDRIDGE :

Q. Do you own property on that street ?—A. No, sir, nor in this city.

Q. How came you to make an examination of it ?—A. I have not made any particular examination, but in walking around the city I have noticed the changes made.

Q. Your observation was casual altogether ?—A. Yes, sir ; although I did examine this a little more particularly because somebody came to me a few days ago and wished me to look at it as I was going around, and I examined it a little more than I would have done if it were not for that.

Q. Do you know how this property has been affected by the improvement ?—A. Not at all.

Q. Do you know whether it has appreciated or depreciated in value ?—A. No, sir.

By Mr. HARMER :

Q. Does or not the cutting on F street improve the streets crossing it at right angles ?

A. If the other streets are cut down also, I do not know that they are improved beyond what they were before. They were on the same general level before.

Q. Does it give better surface-drainage to the streets crossing F street ?—A. I do not know that it does.

By Mr. CREBS :

Q. How many cubic yards are in a lot of 100 feet by 60 where it is cut down 9 feet ?—

A. The cutting would be about 2,000 cubic yards.

WASHINGTON, D. C., *February 2, 1872.*

JOHN F. WEBB sworn and examined.

To Mr. RIDDLE. I reside at 1814 G street, between Eighteenth and Nineteenth. G is the next street north of F. The street in front of my property has been terribly dug up. The cutting is about 4 feet deep there.

Question. When was that work done there ?—Answer. I went away with my family on the 10th of August, having no idea that the street was going to be cut down, and when I came back with my family, about the 20th of September, we could hardly get home. We wandered up Eighteenth and Nineteenth streets, and got home a little after 12 o'clock at night.

Q. What are your present means for getting to your property ?—A. Very bad. The carriage cannot get within a square of my house. We use a tow-path there yet.

Q. Have they removed the paving from the sidewalks ?—A. Yes, sir ; they have taken it away two or three weeks ago. I had just made it at an expense of \$120, and I left orders that they should not take it, but five carts came there on a Saturday when I was not at home, and although Mrs. Webb told them not to take the pavement, they carried it off. I do not know where they took it. I was told that they were building somewhere and took this brick to use. They have not replaced it since, and I believe they have their eye on some more that I have there.

Q. How deep is the cut on Eighteenth street ?—A. I should think it is some 4 or 5 feet.

Q. Do you know whether they have got as low as they intend to go in front of your property ?—A. I believe they have. They have just lowered a large gas-pipe there.

Q. Do you think they have reached the bottom ?—A. Yes, I think they have.

Q. Have you had to lower your service-pipes ?—A. I employed Mr. Evans and told him to keep the pipes in order, and he has done so.

Q. Do you know how many times he has had to lower them ?—A. I think but once.

Q. Did you have a private sewer from your house ?—A. Yes, I had a private sewer from my house to the War Department, made by General Totten and two other gentlemen at an expense of \$2,100.

Q. What became of that ?—A. They dug it up. I asked them by what authority they were digging it up. "By the authority, sir, of the board of public works." Then I was compelled to connect my house with the sewer of the city, which cost me upward of \$200.

By Mr. CHANDLER :

Q. Where did that private sewer go to in the War Department ?—A. There is a sewer on this side of the War Department, running down Seventeenth street, and I think it went there.

By Mr. HARMER :

Q. How deep a cut did they make on G street in front of your property ?—A. I think it was 4 feet. They shut us up so that we have not been able to go out. They were very kind. They told me that if I would take my horse and carriage out of the

yard for four days, they would cut the place so that I could get them back. I took the horse out and sent him to livery, and have had to keep him there for three months. I only got it back about two weeks since.

Q. Have property owners along the line of G street been troubled with water in their cellars?—A. I do not know; I suppose they have. I know that General Magruder was troubled with water, and I let him tap my sewer.

Q. Are you not of opinion that cutting down this street will obviate the difficulty of water in the cellars?—A. I think that the good sewer which they have laid there will. That sewer is 10 or 12 feet below the surface.

By Mr. ROOSEVELT:

Q. Was that sewer changed by the change of grade?—A. No; they put it down 10 or 12 feet; they have only changed the gas-pipe; that has been lowered. The sewer has been made only about two years.

By Mr. CREBS:

Q. Cutting the street has not affected the drainage at all?—A. No, sir.

By Mr. HARMER:

Q. Before this cut was made on G street was the street about level with your lot?—A. Yes, sir.

Q. Not lower?—A. No, sir. We thought they would take off the top of the street and pave it and make a good gutter. That is what the citizens expected.

WASHINGTON, D. C., *February 2, 1872.*

J. V. W. VANDENBURGH recalled.

By Mr. RIDDLE:

Question. Have you made an examination since yesterday of the amount of work you have done and of the compensation you have received.—Answer. I have not. I supposed you would get it from the board of public works. Every dollar that I have received for it I received from the board.

Q. Was anybody connected with you in the work?—A. No, sir.

By Mr. ROOSEVELT:

Q. Have you got anything to show how many cubic feet you have cut there?—A. That will be shown by the estimates.

Q. You have no information of your own on the subject?—A. No, sir. I took their estimates altogether.

By Mr. RIDDLE:

Q. I understood you to say yesterday that you were not paid for filling; do you know whether the board of public works took credit for filling on any of those streets where your dirt is entered?—A. Not that I am aware of.

By Mr. ROOSEVELT:

Q. You said that originally you were receiving 20 cents a cubic foot, and that the price was afterwards changed to 40 cents for the first 2 feet in depth?—A. Yes.

Q. Who made that change?—A. I claimed it under a general order from the board. They allowed that on account of the difficulty of cutting the first two feet on old gravelled streets. I made application, and they allowed it.

Q. It was not made in reference specially to your work?—A. No, sir; it is a general thing all over the city.

Q. Did you make any allowance in that for the part of the street which had been dug up previously for the sewer and left unfilled?—A. No, sir; that was only about two and a half feet wide.

By Mr. ELDRIDGE:

Q. In digging that sewer I suppose none of the earth was carried away?—A. Yes, sir; I cleaned the street. I wanted to leave it there, but they would not let me. Mr. Webb spoke yesterday about filling some holes up. I was ordered to clean the street, and, of course, I did not haul the earth back, and when the rain came the ground sunk and there were holes left.

By Mr. ROOSEVELT:

Q. Was the grade altered after you commenced the work?—A. I presume it was.

Q. Did you dig down a certain distance first, and afterwards dig down farther in the same place?—A. Yes.

Q. How often were alterations made?—A. Only once, I think.

Q. Were the gas-pipes and water-pipes and all altered?—A. I should think so. I did not do that and have no recollection of it; I do not know to a certainty; my impression is that a portion of it was done twice, but I had nothing to do with it; it was done ahead of my work.

Q. Do you know whether that alteration was made by the board of public works or merely by the engineer?—A. I presume the engineer did it by authority; of course I do not know that; I never saw a profile of the work yet.

By Mr. CREBS:

Q. You say that you cut down a certain distance and then changed; how far did you first cut down?—A. I think I originally cut three feet at F and Eighteenth; subsequently I changed it to about five or five and a half feet; I do not recollect the exact figures.

Q. That was nearly double?—A. Very near.

Q. That is where the deepest cut is?—A. No; I think the deepest cut is between Nineteenth and Twentieth.

By Mr. ROOSEVELT:

Q. Was any reason given for changing the grade?—A. The engineer told me that the object was not to have the water run to Pennsylvania avenue, as was originally intended, but to turn it to the river. It did accomplish that purpose exactly. The water now runs from Pennsylvania avenue to the river direct.

By Mr. CHIPMAN:

Q. Through all these lateral streets?—A. Yes; the F street sewer is tapped on Nineteenth street and runs down the Nineteenth street sewer. It takes the water which used to run from above Mr. Webb's to the Seventeenth street sewer. The Seventeenth street sewer originally carried all the water from away up to Pennsylvania avenue and even to I street. Instead of going down the Seventeenth street sewer the water now goes down the Eighteenth and Nineteenth streets sewers.

By Mr. ELDRIDGE:

Q. In order to accomplish that was it necessary to cut as deep as you did?—A. Yes, sir; we could not lift it another inch.

Q. Was not the F street sewer laid before the grade was altered?—A. Yes; but what created the trouble was that there was so much water to be carried away by the Seventeenth street sewer, and the consequence was that the cellars on Pennsylvania avenue were flooded.

Q. And the cutting down the lateral streets relieved that?—A. Yes; the Seventeenth street sewer was not large enough to carry off the water.

Q. You needed Eighteenth and Nineteenth street sewers to help that?—A. Yes.

By Mr. RIDDLE:

Q. Do we understand that these levels were reduced for the purpose of relieving the sewerage of the street?—A. That is what I understood—relating to a portion of the street.

By Mr. ROOSEVELT:

Q. What change was made about the Nineteenth street sewer?—A. There was a direct sewer put down Nineteenth street, and another down Eighteenth street, and the F street sewer was turned out of the Seventeenth street sewer into these.

Q. That is what made the change?—A. That made a great change. By cutting the streets down the other way and turning the flow of the water toward the river instead of to Pennsylvania avenue, the Pennsylvania avenue sewer was relieved of all this surface-water.

Q. If these sewers had been made without changing the grade, would not that have effected the same object?—A. There were no streets there at all south of F street. There was an immense hollow there.

Q. This grade had nothing to do with that sewer?—A. The sewer was put there after it was graded.

Q. There was no necessary connection between the two?—A. I presume not.

By Mr. CREBS:

Q. The sewer in F street was not lowered any?—A. No, sir.

Q. Could you not have put a sewer from F street down Nineteenth?—A. There was no street there until we made a street.

By Mr. ELDRIDGE:

Q. How much did you have to fill up Nineteenth street?—A. I believe between 10 and 11 feet at the lowest point.

Q. How many squares did you have to fill?—A. We filled it all the way to the canal from E street.

Q. Did you have to fill between Pennsylvania avenue and F street?—A. No, sir; that was all level.

Q. What was the difficulty then in putting down a sewer in Nineteenth street without changing the grade in F street?—A. We could not put a sewer where the outlet was higher than the make of the ground.

Q. Then you had to fill up the center at F street?—A. No; we had to fill below F street. These sewers empty into the canal, and the ground between F street and the canal was 4 or 5 feet lower than the canal itself, so that it was impossible to put a sewer in Nineteenth street until the grade was changed.

By Mr. ROOSEVELT:

Q. Could not that have been filled up without changing the grade in F street?—A. The grading of F street killed it.

Q. The dirt could have been obtained elsewhere and the same result achieved without cutting down F street?—A. I presume so.

By Mr. CHIPMAN:

Q. In what direction does the water run along F street?—A. Toward Seventeenth street. F street was the summit. It was higher than Pennsylvania avenue.

Q. So that the water from Pennsylvania avenue could not get to the river at all along the surface?—A. No, sir; it went the other way.

After some discussion as to limiting the range of the testimony the committee adjourned till the 3d of February.

WASHINGTON, D. C., *February 3, 1872.*

Mr. RIDDLE put in evidence a letter from Mr. Forsyth, first assistant engineer of the board of public works, to Mr. Chandler in relation to the improvements in the District. Also, at the suggestion of Mr. Chandler, a memorial of property-owners on I street for a concrete pavement between Eighteenth and Nineteenth, which closes the testimony on his part in regard to that branch of the investigation.

These papers, together with all the following, were put in evidence:

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
OFFICE OF CHIEF ENGINEER,
Washington, D. C., February 2, 1872.

SIR: In response to your request for information as to the improvements on F street, I have to state as follows:

The work on the improvement of F street was commenced under the order of the city government of Washington, in pursuance of the act of that corporation approved April 29, 1871, as appears by the copies of papers in the two communications of Governor Cooke to the District legislature, of May 31 and June 20, 1871, (Journal, vol. I, pages 98 and 197.)

I was superintendent of streets under the city government, and also became the first assistant engineer of the board of public works, May 17, 1871, and prepared for the board the general plan of improvements submitted June 20, 1871.

I took charge of the F street work when it commenced, and, in accordance with the directions of the board, I instructed the contractor, Mr. Vandenburg, to lower the line of the street below the grade contemplated when the act of April 29 was passed. At a later period the board decided to lower the line to the present grade, and I gave directions to the contractor accordingly.

The change of grade as finally determined was thought advisable, among other reasons, in order to conform the grade of Seventh street to the new State Department buildings. It also relieves the steep grades on Seventeenth, Eighteenth, Nineteenth, Twentieth, and Twenty-first streets, between F street and the canal, by cutting down the summits and filling up the low ground at a regular grade, thereby removing in a great measure the unhealthfulness of that section of the city, which has been an obstacle to all improvements for the twenty-three years during which I have resided there.

The change also greatly improves the surface drainage of that vicinity. It does not interfere with the sewers constructed by the city government, which I had located below the present grade-line of the streets, because, from my knowledge of the necessities of that section, I was certain that the grades of the streets would eventually be brought down to an improved line.

In my opinion, the improvement will be a success, and, when finished, I believe the

property-owners will be very glad it has been carried through, as owners have been in other localities where they have made great complaints and doleful predictions while the work has been going on, like the cases of the old improvements under the city, while I was surveyor, on Ninth street, between D and F; Thirteenth street, between G and H; F street, between Seventh and Fifteenth; and Fifteenth street, at the Treasury Department.

No additional written instructions to or contract with Mr. Vandenburg appear to have been issued. The act of the city, in terms, authorized the grading of the street, and, acting under directions of the board of public works, which authorized and assumed the responsibility of extending the improvement, I carried forward the same substantially in accordance with their general plans then adopted for the improvement of the district.

The only estimates of the cost of improving F street west of Seventeenth street, made before the work commenced, are those contained in the plan of January 20, 1871.

The present estimate of the whole cost of the improvement of F street as now going forward at board prices, at which the final settlements will be made, is as follows:

13,693 cubic yards excavation, at 40 cents	\$5,477 20
22,346 cubic yards excavation, at 20 cents.	4,469 20
36,039	
4,937 lineal feet curbing, at 90 cents	4,443 30
5,015 square yards brick paving, at 80 cents	4,012 00
1,293 square yards brick paving, old relaid, 25 cents	323 25
	18,724 95

On which has been paid to the contractor, J. V. W. Vandenburg, \$7,534 45.

The estimate for paving F street is 11,661 yards pavement, at \$3 10, \$36,149 10; on which has been paid \$14,385.

Very respectfully, your obedient servant,

WM. FORSYTH,
Assistant Engineer.

W. E. CHANDLER, Esq.,
Counsel for the District Government.

WASHINGTON, D. C., November 10, 1871.

GENTLEMEN: We, the undersigned, owners of property and residents on F street, between Nineteenth and Twentieth streets west, respectfully state that, in consequence of the excavation and grading on said square, being about 6 feet at the corner of F and Nineteenth, and about 5 feet on the corner of F and Twentieth, we are of the opinion the slope should be made in proportion to the excavation. The effect would be to give us from 11 to 13 feet from the building-line, between Nineteenth and Twentieth streets, a very important convenience to occupants of houses, and without disturbing the general appearance of the square east of Nineteenth street.

And, again, we desire and respectfully request that a substantial concrete street pavement be laid on F, between Nineteenth and Twentieth streets, believing it to be more durable and healthful than a wood-paved street.

We have the honor to remain, yours, ever,

ALEXANDER RAY.
J. H. C. COFFIN,
Survivors of Mathews & Coffin.
A. ROSS RAY.
W. B. WEBB.
C. H. CRANE.
C. H. CRANE,
For Innis Palmer.

The Honored GOVERNOR and BOARD OF PUBLIC WORKS,
Washington, D. C.

COMMITTEE ROOM, DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
January 31, 1872.

SIR: I wish for use before the committee in the pending investigation—

1. The contracts and orders under which the improvements on F street, west of

Seventeenth, are being made, and the estimates of the whole costs for the same; also, the amount that has already been expended for the same.

2. Also, the plan or plans for the improvements in the District, with a schedule of prices and costs.

3. Also, the contracts entered into by the board of public works for all of the contemplated improvements under said plan already let or entered into.

4. A specification of all the work upon improvements done without a written contract.

5. And particularly the contracts, costs, and expenditures upon the improvement of Seventh street road, from the boundary to the District line north.

A. G. RIDDLE,

For the Memorialists, 460 Louisiana Avenue.

W. E. CHANDLER, Esq.,

Council for District Government.

WASHINGTON, February 3, 1872.

SIR: In reply to your requests of January 31, I have to submit the following:

1. The information relative to the improvement of F street is contained in the accompanying letter of William Forsyth, first assistant engineer of the board of public works, dated February 2. A copy of the petition of Alexander and A. Ross Ray, Wm. B. Webb, and others for the laying of a concrete pavement is also inclosed.

2. The plan for the improvement of the District is that submitted by Mr. Forsyth to the board June 20, 1871, a printed copy of which is furnished you. The schedule of prices adopted by the board is also inclosed.

3. A statement of the contracts entered into by the board is herewith furnished, and also a printed form of the contract used.

4. A specification is inclosed of the work upon improvements performed without a written contract.

5. The accompanying letter of Mr. B. D. Carpenter, second assistant engineer of the board, dated February 2, furnishes the information asked for relative to the improvement of Seventh street from Boundary street to the District line. I also inclose a copy of a communication to the board, dated June 28, 1871, from S. Wolf, president of the Washington Schuetzenverein, relative to the dangerous condition of Seventh street.

The estimate in the plan of June 20, 1871, for the improvement of Seventh street, printed \$2,500, is a misprint for \$25,000.

Very respectfully,

WM. E. CHANDLER.

Counsel for the District Government.

Hon. A. G. RIDDLE,

Counsel for the Memorialists.

To the council of the District of Columbia:

In compliance with a resolution adopted by your honorable body on the 16th instant, the board of public works has the honor to transmit a statement of the improvements which it recommends, and the estimated cost thereof, and to submit for your consideration a bill providing the necessary means for the execution of the work.

The statement, it will be seen, contemplates permanent improvements in every portion of the District of Columbia, and comprises almost every street and avenue in the cities of Washington and Georgetown, as well as all the roads in the county. It provides for the improvement of the streets in the central part of Washington, by lessening the width of the carriage-ways, and paving and sewerage of them, and also embraces the building of a main sewer from Eighth street northwest to Rock Creek; the sewerage of the valley of the Tiber, and the paving and macadamizing of a large number of streets in the less thickly populated sections of the city. It is estimated that \$4,358,598 will be the proportion of the expense to be borne by the treasury of the District in making these improvements, and as, in the opinion of the board, that amount will be sufficient to complete them, the necessity of annual appropriations, so far as the prosecution of these works is concerned, will be obviated by the passage of the bill herein respectfully recommended.

Were it required that this seemingly large amount should be paid within a single year, grave apprehensions might justly arise as to the ability of the people to meet so heavy a burden. It is, however, proposed in the bill that the money shall be raised by a loan extending over a period of twenty years; and it will be found to contain careful provision both for the payment of the interest and the extinguishment of the

debt. It is believed by the board that should the bill become a law, and proper measures be taken to protect our credit, there will be no difficulty in disposing, at a satisfactory rate, of the bonds which it is proposed to issue.

The aggregate of the accompanying statement may at first appear extravagant, but it should be remembered that in Washington alone the city's proportion of the work done upon the streets during the past two years reached nearly a million and a half of dollars. To dispel any suspicion of extravagance in its views or aims, the board need only invite a comparison of the work accomplished within that time, at so heavy an outlay, with the comprehensive plan of improvements which it proposes to inaugurate and complete within the limits of the estimates.

It is perhaps proper to explain, in this connection, that these estimates are based upon the average rates paid for similar improvements by the city of Washington, less twenty per cent. deducted in view of the plan proposed by the board to pay cash for all work that may be done under its direction. It was to a great extent customary, under the old system, to commence and complete an improvement in advance of any arrangement for the payment of the cost. Contractors were compelled to consider this fact, and also that, as the corporation was rarely in funds to meet its obligations, the assessments, when made, would not yield more than eighty cents on the dollar. To meet this condition of affairs, they generally added to their estimates twenty per cent.

Another objectionable practice which, in some instances, prevailed prior to the organization of a government for the District, was that of excessive measurements in computing the amount of work done. This will be prevented by the establishment, in advance, of the exact quantities of each kind of work to be executed; and thus, when a contract is entered into, the entire amount to be paid can be specifically determined. No increase can thereafter be allowed, as by the terms of the organic act even the legislative assembly is prohibited, after a contract has been made, from granting or authorizing "extra allowance" or "compensation" to the contractor.

Heretofore no improvement made could be considered a permanency, and in numerous instances property assessed for work, which it was supposed would accomplish the object desired, has, in a short time, been reassessed to remedy some real or fancied defect in the plans first executed. The system adopted by the board contemplates that a street having once been improved, the property-holder will not be required to meet another assessment for that particular object, and that the only expense thereafter will be for ordinary repairs that may, from time to time, become necessary.

It will be seen, upon examination, that the statement embraces a thorough system of improvements, which may require years for completion. The board is of the opinion that the interests of the District imperatively require that the necessary appropriations should at once be granted, in order that operations may be commenced without delay. Contracts for material can then be so regulated as to thwart monopolies and improper combinations, and the projected improvements may be prosecuted in such connection, the one with the other, as to accomplish the largest results for the least outlay.

Under the municipal governments heretofore existing, about three hundred thousand dollars were yearly collected and expended as ward and county funds, for casual repairs and local improvements, and, in addition, a large amount was collected and applied from the general fund. The plan of the board contemplates the completion of a grand system of improvements without one dollar of increased tax upon the property-holders of the District. Indeed, the amount of taxation necessary to pay the interest upon the proposed bonded debt, and to provide a sinking fund for the extinguishment of the principal, will not cost annually the sum heretofore expended as ward and county funds for mere casual repairs, and which, as thus applied, was virtually thrown away.

Regarding the effect of this plan upon the general taxes of the District, the board respectfully submits that to pay interest on \$4,358,598 in bonds will require, in currency, \$305,101 86. Add the estimated premium on gold for the next one or two years at ten per cent., and the amount required to pay the interest will be \$335,611 86. An addition of three per cent. on the principal, in currency, (which will be more than sufficient to retire the gold bonds,) gives \$466,368 as the amount which will have to be raised by taxation to meet yearly the interest and principal of the proposed loan. Of course, with each year the debt will decrease, and in a brief period the rate of taxation will be much less than that stated.

The board is satisfied, upon careful consideration, that as a rule the value of property in the District will not warrant the general introduction of wood or other expensive pavements, and that, if at all used, they should be confined to a few of the principal avenues of communication. It is believed that road-beds of stone, more durable and equally free from dust and mud, can be constructed at less cost than has usually been paid for the most ordinary kind of stone pavements.

The board begs to state in conclusion, that, a thorough investigation of the subject convinces it that sound policy demands the immediate inauguration of a comprehensive and stable system of improvements, and that if its recommendations should

be adopted by the legislative assembly, property will be enhanced in value to an extent that will more than meet the expenses to be incurred, the seat of the National Government be rendered attractive to the people, and the proportionate rate of taxation be largely reduced, as compared with that which has heretofore prevailed.

H. D. COOKE.
JAMES A. MAGRUDER.
ALEX. R. SHEPHERD.
A. B. MULLET.
S. P. BROWN.

WASHINGTON, D. C., *June 20, 1871.*

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The Honored GOVERNOR and BOARD OF PUBLIC WORKS,
Washington, D. C.

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HOUSE OF REPRESENTATIVES,
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debt. It is believed by the board that should the bill become a law, and proper measures be taken to protect our credit, there will be no difficulty in disposing, at a satisfactory rate, of the bonds which it is proposed to issue.

The aggregate of the accompanying statement may at first appear extravagant, but it should be remembered that in Washington alone the city's proportion of the work done upon the streets during the past two years reached nearly a million and a half of dollars. To dispel any suspicion of extravagance in its views or aims, the board need only invite a comparison of the work accomplished within that time, at so heavy an outlay, with the comprehensive plan of improvements which it proposes to inaugurate and complete within the limits of the estimates.

It is perhaps proper to explain, in this connection, that these estimates are based upon the average rates paid for similar improvements by the city of Washington, less twenty per cent. deducted in view of the plan proposed by the board to pay cash for all work that may be done under its direction. It was to a great extent customary, under the old system, to commence and complete an improvement in advance of any arrangement for the payment of the cost. Contractors were compelled to consider this fact, and also that, as the corporation was rarely in funds to meet its obligations, the assessments, when made, would not yield more than eighty cents on the dollar. To meet this condition of affairs, they generally added to their estimates twenty per cent.

Another objectionable practice which, in some instances, prevailed prior to the organization of a government for the District, was that of excessive measurements in computing the amount of work done. This will be prevented by the establishment, in advance, of the exact quantities of each kind of work to be executed; and thus, when a contract is entered into, the entire amount to be paid can be specifically determined. No increase can thereafter be allowed, as by the terms of the organic act even the legislative assembly is prohibited, after a contract has been made, from granting or authorizing "extra allowance" or "compensation" to the contractor.

Heretofore no improvement made could be considered a permanency, and in numerous instances property assessed for work, which it was supposed would accomplish the object desired, has, in a short time, been reassessed to remedy some real or fancied defect in the plans first executed. The system adopted by the board contemplates that a street having once been improved, the property-holder will not be required to meet another assessment for that particular object, and that the only expense thereafter will be for ordinary repairs that may, from time to time, become necessary.

It will be seen, upon examination, that the statement embraces a thorough system of improvements, which may require years for completion. The board is of the opinion that the interests of the District imperatively require that the necessary appropriations should at once be granted, in order that operations may be commenced without delay. Contracts for material can then be so regulated as to thwart monopolies and improper combinations, and the projected improvements may be prosecuted in such connection, the one with the other, as to accomplish the largest results for the least outlay.

Under the municipal governments heretofore existing, about three hundred thousand dollars were yearly collected and expended as ward and county funds, for casual repairs and local improvements, and, in addition, a large amount was collected and applied from the general fund. The plan of the board contemplates the completion of a grand system of improvements without one dollar of increased tax upon the property-holders of the District. Indeed, the amount of taxation necessary to pay the interest upon the proposed bonded debt, and to provide a sinking fund for the extinguishment of the principal, will not cost annually the sum heretofore expended as ward and county funds for mere casual repairs, and which, as thus applied, was virtually thrown away.

Regarding the effect of this plan upon the general taxes of the District, the board respectfully submits that to pay interest on \$4,358,598 in bonds will require, in currency, \$305,101 86. Add the estimated premium on gold for the next one or two years at ten per cent., and the amount required to pay the interest will be \$335,611 86. An addition of three per cent. on the principal, in currency, (which will be more than sufficient to retire the gold bonds,) gives \$466,368 as the amount which will have to be raised by taxation to meet yearly the interest and principal of the proposed loan. Of course, with each year the debt will decrease, and in a brief period the rate of taxation will be much less than that stated.

The board is satisfied, upon careful consideration, that as a rule the value of property in the District will not warrant the general introduction of wood or other expensive pavements, and that, if at all used, they should be confined to a few of the principal avenues of communication. It is believed that road-beds of stone, more durable and equally free from dust and mud, can be constructed at less cost than has usually been paid for the most ordinary kind of stone pavements.

The board begs to state in conclusion, that, a thorough investigation of the subject convinces it that sound policy demands the immediate inauguration of a comprehensive and stable system of improvements, and that if its recommendations should

be adopted by the legislative assembly, property will be enhanced in value to an extent that will more than meet the expenses to be incurred, the seat of the National Government be rendered attractive to the people, and the proportionate rate of taxation be largely reduced, as compared with that which has heretofore prevailed.

H. D. COOKE.
JAMES A. MAGRUDER.
ALEX. R. SHEPHERD.
A. B. MULLET.
S. P. BROWN.

WASHINGTON, D. C., *June 20, 1871.*

INVESTIGATION INTO THE AFFAIRS OF

Designation.	Gutter stone, 50 cents per linear foot.		Graveling, 15 cents per square yard.		Grading, 25 cents per cubic yard.		Curbing, \$1 per linear foot.	
	Feet.		Yards.		Yards.		Feet.	
A street north, between Eleventh and Twelfth streets east			13,000	\$1,950	13,000	\$3,250		
A street south, between Eleventh and Seventeenth streets east			13,000	1,590	16,000	4,000		
B street north, between Sixth and Fifteenth streets west	3,060	\$1,530					3,060	\$3,060
B street north, between Fourth and Sixth streets east			3,240	486	1,084	271		
B street south, between Eleventh and Fourteenth streets east			33,000	4,950	33,000	8,250		
B street south, between Seventh and Fourteenth streets west								
C street north, between Ninth and Fifteenth streets west	4,100	2,050					4,100	4,100
C street north, between Seventeenth and Twenty-first streets west			12,000	1,800	1,200	3,000		
C street north, between Twenty-first and Twenty-seventh streets west			4,600	690	4,500	1,115		
C street north, between Fourth and Sixth streets west			3,240	486	1,084	271		
C street south, between Pennsylvania avenue and the work-house			31,000	4,650	31,000	7,750		
C street south, between Eleventh street west and the canal			16,000	2,400	26,000	6,500		
D street north, between Sixth and Fifteenth streets west	6,280	3,140					6,280	6,280
D street north, between Seventeenth and Twentieth streets west			12,000	1,800	12,000	3,000		
D street north between Twenty-first and Twenty-seventh streets west			11,000	1,650	12,000	3,000		
D street south, between New Jersey avenue and Fourth street east			9,000	1,350	17,400	4,350		
D street south, between Fourth and Nineteenth streets east			40,000	6,000	60,000	15,000		
D street south, between Fourth and Nineteenth streets east, curbs, side-walks, &c., both sides								
E street north, between Fourth street east and Fifteenth street west	8,600	4,300					8,600	8,600
E street north, between Eighth and Ninth, and Eleventh and Fourteenth streets east								

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement.	Cobble-stone pavement.	Wood pavement.	Total.
	Yards.						
A street north, between Eleventh and Twelfth streets east			Linear feet.	Square yards.	Square yards.	Square yards.	\$5,200
A street south, between Eleventh and Seventeenth streets east							5,950
B street north, between Sixth and Fifteenth streets west	20,400	\$20,400			1,020, at 70 c., \$714		25,704
B street north, between Fourth and Sixth streets east							757
B street south, between Eleventh and Fourteenth streets east							13,200
B street south, between Seventh and Fourteenth streets west	17,000	17,000	5,400, at \$5, \$27,000				44,000
C street north, between Ninth and Fifteenth streets west	11,600	11,600	5,200, at \$5, 26,000				43,750
C street north, between Seventeenth and Twenty-first streets west							4,800
C street north, between Twenty-first and Twenty-seventh streets west							1,805
C street north, between Fourth and Sixth streets west							757
C street south, between Pennsylvania avenue and the work-house							12,400
C street south, between Eleventh street west and the canal			8,000, at \$5, 4,000				48,900
D street north, between Sixth and Fifteenth streets west	17,000	17,000	5,400, at \$5, 27,000		2,090, at 70 c., 1,463		54,883
D street north, between Seventeenth and Twentieth streets west							4,800
D street north, between Twenty-first and Twenty-seventh streets west							4,650
D street south, between New Jersey avenue and Fourth street east							5,700
D street south, between Fourth and Nineteenth streets east							21,000
D street south, between Fourth and Nineteenth streets east, curbs, side-walks, &c., both sides							32,000
E street north, between Fourth street east and Fifteenth street west	20,000	20,000	9,000, at \$5, 45,000		2,870, at 70 c., 2,009		79,909
E street north, between Eighth and Ninth, and Eleventh and Fourteenth streets east							*6,600

* Brick pavement.

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Gutter stone, 50 cents per linear foot.		Graveling, 15 cents per square yard.		Grading, 25 cents per cubic yard.		Curbing, \$1 per linear foot.	
	Feet.	Yards.	Yards.	Yards.	Yards.	Feet.	Feet.	Feet.
E street north, between Fourth street east and eastern boundary.....	.....	30,000	.....	\$4,500	65,300	.....	.....	.....
E street south.....	.....	.....	.....	.....	.....	.....	.....	.....
F street north, between Fourth and Fifth streets west and Judiciary Square.....	1,448	.....	.....	.....	3,000	1,448	.....	\$1,448
F street north, between Twenty-first and Twenty-seventh streets west.....	.....	18,000	.....	2,700	18,000	.....	.....	.....
F street north, sewer in northeastern valley along G street north, from Thirteenth street east to Tiber Creek, with branch up Seventh street east as far as Maryland avenue.....	.....	.....	.....	.....	.....	.....	.....	.....
F street north, between Seventeenth and Twenty-first streets west.....	2,732	.....	.....	.....	12,200	2,732	.....	2,732
F street south.....	.....	.....	.....	.....	.....	.....	.....	.....
G street north, between Fourth and Fifteenth streets west.....	9,140	.....	.....	.....	.....	9,140	.....	9,140
G street north, between Second street east and Maryland avenue.....	.....	35,800	.....	5,325	60,000	.....	.....	.....
G street north, between Seventeenth and Twenty-seventh streets west.....	.....	.....	.....	.....	.....	.....	.....	.....
G street south, brick pavement, &c., between Ninth and Thirteenth streets east, and grading, graveling, and brick pavements, both sides, between Thirteenth street east and Georgia avenue.....	.....	.....	.....	.....	.....	.....	.....	.....
G street south, between Third street west and the canal.....	.....	10,000	.....	1,500	10,000	.....	.....	.....
G street south, between Twelfth street east and Congressional burying-ground.....	.....	25,000	.....	3,750	18,000	.....	.....	.....
H street north, between Seventh and Fourteenth streets west.....	4,980	.....	.....	.....	.....	4,980	.....	4,980
H street north, between Eighteenth and Twenty-first streets west.....	.....	8,000	.....	1,200	3,000	.....	.....	.....
H street north, from Fourth street west to the Tiber.....	.....	.....	.....	.....	.....	.....	.....	.....
H street north, between Twenty-first and Twenty-seventh streets west.....	.....	17,000	.....	2,550	28,000	.....	.....	.....
H street south, between Seventh and Tenth streets west.....	.....	7,000	.....	850	21,000	.....	.....	.....
H street south, from Four-and-half street to the canal.....	.....	14,000	.....	2,100	9,000	.....	.....	.....

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement.	Cobble-stone pavement.	Wood pavement.	Total.
	Yards.						
E street north, between Fourth street east and eastern boundary						<i>Square yards.</i>	\$20, 825
E street south							
F street north, between Fourth and Fifth streets west and Judiciary Square	4, 000	\$4, 000	1, 500, at \$5, \$7, 500	1, 448, at \$1, \$1, 448			16, 020
F street north, between Twenty-first and Twenty-seventh streets west	3, 500	3, 500					10, 700
F street north, sewer in northeastern valley along G street north, from Thirteenth street east to Tiber Creek, with branch up Seventh street east as far as Maryland avenue			6, 000, at \$12, 72, 000				72, 000
F street north, between Seventeenth and Twenty-first streets west				1, 370, at \$1, 1, 370	900, at 70 c., \$630		9, 148
F street south							
G street north, between Fourth and Fifteenth streets west	24, 000	24, 000	8, 800, at \$5, 44, 000		3, 050, at 70 c., 2, 135		83, 845
G street north, between Second street east and Maryland avenue							20, 325
G street north, between Seventeenth and Twenty-seventh streets west						*30, 000, at \$2, \$60, 000	60, 000
G street south, brick pavement, &c., between Ninth and Thirteenth streets east, and grading, graveling, and brick pavements, both sides, between Thirteenth street east and Georgia avenue							9, 500
G street south, between Third street west and the canal							4, 000
G street south, between Twelfth street east and Congressional burying ground							8, 250
H street north, between Seventh and Fourteenth streets west	10, 840	10, 840	5, 600, at \$5, 28, 000		1, 660, at 70c., 1, 162		47, 472
H street north, between Eighteenth and Twenty-first streets west							1, 950
H street north, from Fourth street west to the Tiber			5, 200, at \$5, 26, 000				26, 000
H street north, between Twenty-first and Twenty-seventh streets west	3, 500	3, 500					13, 050
H street south, between Seventh and Tenth streets west							6, 100
H street south, from Four-and-a-half street to the canal							4, 350

Blue stone pavement.

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Gutter stone, 50 cents per linear foot.		Graveling, 15 cents per square yard.		Grading, 25 cents per cubic yard.		Curbing, \$1 per linear foot.	
	Feet.		Yards.		Yards.		Feet.	
I street north, between Twentieth and Twenty-first streets west.....			8,000	\$450				
I street north, between Twenty-first and Twenty-seventh streets west.....			17,000	2,550	10,000	\$2,500		
I street north, between Fourth street west and Tiber.....								
I street north, between Seventh street east and eastern boundary.....			17,000	2,550	18,000	4,500		
I street south, between Virginia avenue and Seventh street east and Georgia avenue and 8th street east.....								
I street south, between Four-and-a-half street west and New Jersey avenue.....								
K street north, between Fourth and Twelfth streets west.....	13,700	\$6,850					13,700	\$13,700
K street north, between Seventeenth street west and New Hampshire avenue.....	4,800	2,400					4,800	4,800
K street north, between Circle and Rock Creek Bridge.....	4,000	2,000					4,000	4,000
K street north, from Seventh street west to Tiber.....								
K street south, between Ninth and Eleventh streets east.....								
K street south, between Four-and-a-half street west and canal.....								
L street north, between Fourth and Fifteenth streets west.....	8,732	4,366	13,000	1,950	17,000	4,250	8,732	8,732
L street north, between Fifteenth and Twenty-fourth streets west.....								
L street north, between Twentieth and Twenty-third streets west.....					14,000	3,500		
L street north, between Fourth street west and the Tiber.....					18,000	4,500		
L street south, between Ninth and Eleventh streets east.....								
L street south, between New Jersey avenue and South Carolina avenue.....								
For construction of sewers to drain G, H, I, and K streets south, between Third street west and James Creek.....								
M street north, between Fifteenth street west and Rock Creek.....					40,000	10,000		

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement. <i>Square yards.</i>	Cobble-stone pavement. <i>Square yards.</i>	Wood pavement. <i>Square yards.</i>	Total.
	<i>Yards.</i>						
I street north, between Twentieth and Twenty-first streets west.....							\$450
I street north, between Twenty-first and Twenty-seventh streets west.....	3,500	\$3,500					8,500
I street north, between Fourth street west and Tiber.....			5,200, at \$5, \$26,000				26,000
I street north, between Seventh street east and eastern boundary.....							7,050
I street south, between Virginia avenue and Seventh street east and Georgia avenue and Eighth street east.....				6,800, at \$1, \$6,800			6,800
I street south, between Four-and-a-half street west and New Jersey avenue.....							8,800
K street north, between Fourth and Twelfth streets west.....	17,287	17,287	4,100, at \$5, 20,500		4,570, at 70c., \$2,199		60,536
K street north, between Seventeenth street west and New Hampshire avenue.....	11,000	11,000			1,600, at 70c., 1,120		19,320
K street north, between Circle and Rock Creek Bridge.....						*8,000, at \$2, \$16,000	22,000
K street north, from Seventh street west to Tiber.			9,000, at \$7, 63,000				63,000
K street south, between Ninth and Eleventh streets east.....				2,100, at \$1, 2,100			2,100
K street south, between Four-and-a-half street west and canal.....							6,200
L street north, between Fourth and Fifteenth streets west.....	22,575	22,575	8,732, at \$5, 43,660		2,910, at 70c., 2,037		81,370
L street north, between Fifteenth and Twenty-fourth streets west.....	30,000	30,000	3,150, at \$5, 15,750				49,250
L street north, between Twentieth and Twenty-third streets west.....							4,500
L street north, between Fourth street west and the Tiber.....			5,200, at \$5, 26,000				26,000
L street south, between Ninth and Eleventh streets east.....				1,000, at \$1, 1,000			1,000
L street south, between New Jersey avenue and South Carolina avenue.....				6,000, at \$1, 6,000			6,000
For construction of sewers to drain G, H, I, and K streets south, between Third street west and James Creek.....			11,000, at \$5, 55,000				55,000
M street north, between Fifteenth street west and Rock Creek.....	34,000	34,000	11,000, at \$5, 55,000				99,000

* Stone pavement.

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Gutter stone, 50 cents per linear foot.		Graveling, 15 cents per square yard.		Grading, 25 cents per cubic yard.		Curbing, \$1 per linear foot.	
	Feet.		Yards.		Yards.		Feet.	
For paving and sewerage M street north, between New York avenue and Vermont avenue.....								
M street south, between Fourth and Tenth streets east.....								
M street south, between Third and Seventh streets west.....								
N street north, between Fourth and Fifteenth streets west.....	9,000	\$4,500	10,700	\$1,605	10,700	\$2,675	9,000	\$9,000
N street north, between Rhode Island avenue and Twenty-fifth street west.....								
N street north, between Fifteenth street west and Rock Creek.....								
N street south, between Ninth street east and Eleventh street east, grading, graveling, brick pavement, &c.....			32,500	4,875	56,600	14,150		
O street north, between Tenth street west and Vermont avenue, and New Hampshire avenue and Twenty-second street west.....								
O street north, between Fifteenth street west and Seventeenth street west, for repairing, extending, improving, &c.....								
P street north, between Ninth street west and Twenty-second street west.....								
P street north, between Ninth street west and Twenty-second street west.....	3,200	1,600			20,000	5,000	3,200	3,200
Paving and sewerage alleys in squares 446, 447, 448, between M and P streets north, and Sixth and Seventh streets west.....								
Q street north, between Tenth and Twenty-second street west.....								
Q street north, between Seventh and Fourteenth streets west.....								
R street north, between Vermont avenue and boundary.....			16,700	2,505	3,500	875		
R street north, between Fourteenth street east and eastern boundary.....								
R street north, between Seventh street east and First street east.....	4,980	2,490	32,700	4,905	28,000	7,000	4,980	4,080
S street north, from Boundary street to Boundary street.....								
T street north, from Seventeenth street west to Nineteenth street west.....								

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement.	Cobble-stone pavement.	Wood pavement.	Total.
	Yards.						
For paving and sewerage M street north, between New York avenue and Vermont avenue.....							\$160,324
M street south, between Fourth and Tenth streets east.....							15,000
M street south, between Third and Seventh streets west.....							4,280
N street north, between Fourth and Fifteenth streets west.....	21,414	\$21,414	9,000, at \$5, \$45,000		3,000, at 70c., \$2,100		79,914
N street north, between Rhode Island avenue and Twenty-fifth street west.....			9,800, at \$5, 49,000				49,000
N street north, between Fifteenth street west and Rock Creek.....							19,025
N street south, between Ninth street east and Eleventh street east, grading, graveling, brick pavement, &c.....							3,500
O street north, between Tenth street west and Vermont avenue, and New Hampshire avenue and Twenty-second street west.....			4,150, at \$5, 20,750				20,750
O street north, between Fifteenth street west and Seventeenth street west, for repairing, extending, improving, &c.....							1,000
P street north, between Ninth street west and Twenty-second street west.....			11,400, at \$5, 57,000				62,000
P street north, between Ninth street west and Twenty-second street west.....	66,181	66,181					70,981
Paving and sewerage alleys in squares 446, 447, 448, between M and P streets north, and Sixth and Seventh streets west.....							10,000
Q street north, between Tenth and Twenty-second streets west.....			11,850, at \$5, 59,250				59,250
Q street north, between Seventh and Fourteenth streets west.....							3,380
R street north, between Vermont avenue and boundary.....			10,700, at \$5, 53,500				53,500
R street north, between Fourteenth street east and eastern boundary.....					1,700, at 70c., 1,190		20,565
R street north, between Seventh street east and First street east.....			8,500, at \$5, 42,500				42,500
S street north, from Boundary street to Boundary street.....			16,250, at \$5, 81,250				81,250
T street north, from Seventeenth street west to Nineteenth street west.....			2,700, at \$5, 13,500				13,500

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement.	Cobble-stone pavement.	Wood pavement.	Total.
	Yards.		Linear feet.	Square yards.	Square yards.	Square yards.	
T street north, from Seventh street west to Fourteenth street west							\$3, 800
T street north, from Eighth street east and east boundary			1, 400, at \$5,				7, 000
U street north, from Boundary street to Boundary street			9, 180, at \$5,				54, 620
V street north, from Vermont avenue to boundary			8, 400, at \$5,				50, 720
W street north, from Boundary street to Boundary street			5, 260, at \$5,				35, 020
Boundary street, from Ninth street west to Twenty-second street west, for grading and macadamizing from P street bridge to Bladensburg road		\$128, 000	10, 000, at \$5,				178, 000
Continuation of sewer in C street north, between Second street east and New Jersey avenue; along said avenue to E street south, and along E street south to the canal			2, 700, at \$5,				21, 600
Main sewer, commencing at Boundary street and Eighth street west, running along Eighth street west to T street north; along T street north to New Hampshire avenue; southwest-ly along New Hampshire avenue to Eighteenth street west; thence along Eighteenth street west to Massachusetts avenue; thence south with said avenue to Sixteenth street west; thence along Sixteenth street west to L street; thence along L street to near Twenty-second street west; thence in a direct line along the course of the Slush Run to Rock Creek			14, 910, at \$20,				298, 200
Main sewer, sixth ward; commencing at Ninth street east and South Carolina avenue, running along said avenue to Eighth street south; thence along said street to E street south; thence along said street to Seventh street east; thence along said street to M street south; and west along M street to the river			4, 231, at \$12,				50, 772
Constructing sewer of similar dimensions from Pennsylvania avenue along the Tiber valley to Gales's, with lateral branch to old St. Patrick's burying-ground			11, 000, at \$60,				660, 000
First street west							

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Gutter stone, 50 cents per linear foot.		Graveling, 15 cents per square yard.		Grading, 25 cents per cubic yard.		Curbing, \$1 per linear foot.	
	Feet.		Yards.		Yards.		Feet.	
For paving and sewerage M street north, between New York avenue and Vermont avenue								
M street south, between Fourth and Tenth streets east								
M street south, between Third and Seventh streets west								
N street north, between Fourth and Fifteenth streets west			10,700	\$1,605	10,700	\$2,675		
N street north, between Rhode Island avenue and Twenty-fifth street west	9,000	\$4,500					9,000	\$9,000
N street north, between Fifteenth street west and Rock Creek								
N street south, between Ninth street east and Eleventh street east, grading, graveling, brick pavement, &c			32,500	4,875	56,600	14,150		
O street north, between Tenth street west and Vermont avenue, and New Hampshire avenue and Twenty-second street west								
O street north, between Fifteenth street west and Seventeenth street west, for repairing, extending, improving, &c								
P street north, between Ninth street west and Twenty-second street west								
P street north, between Ninth street west and Twenty-second street west	3,200	1,600			20,000	5,000		
Paving and sewerage alleys in squares 446, 447, 448, between M and P streets north, and Sixth and Seventh streets west							3,200	3,200
Q street north, between Tenth and Twenty-second street west								
Q street north, between Seventh and Fourteenth streets west			16,700	2,505	3,500	875		
R street north, between Vermont avenue and boundary								
R street north, between Fourteenth street east and eastern boundary								
R street north, between Seventh street east and First street east	4,980	2,490	32,700	4,905	28,000	7,000	4,980	4,080
S street north, from Boundary street to Boundary street								
T street north, from Seventeenth street west to Nineteenth street west								

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement. <i>Square yards.</i>	Cobble-stone pavement. <i>Square yards.</i>	Wood pavement. <i>Square yards.</i>	Total.
	<i>Yards.</i>						
For paving and sewerage M street north, between New York avenue and Vermont avenue.....							\$160,324
M street south, between Fourth and Tenth streets east.....							15,000
M street south, between Third and Seventh streets west.....							4,280
N street north, between Fourth and Fifteenth streets west.....	21,414	\$21,414	9,000, at \$5, \$45,000		3,000, at 70c., \$2,100		79,914
N street north, between Rhode Island avenue and Twenty-fifth street west.....			9,800, at \$5, 49,000				49,000
N street north, between Fifteenth street west and Rock Creek.....							19,025
N street south, between Ninth street east and Eleventh street east, grading, graveling, brick pavement, &c.....							3,500
O street north, between Tenth street west and Vermont avenue, and New Hampshire avenue and Twenty-second street west.....			4,150, at \$5, 20,750				20,750
O street north, between Fifteenth street west and Seventeenth street west, for repairing, extending, improving, &c.....							1,000
P street north, between Ninth street west and Twenty-second street west.....			11,400, at \$5, 57,000				62,000
P street north, between Ninth street west and Twenty-second street west.....	66,181	66,181					70,981
Paving and sewerage alleys in squares 446, 447, 448, between M and P streets north, and Sixth and Seventh streets west.....							10,000
Q street north, between Tenth and Twenty-second streets west.....			11,850, at \$5, 59,250				59,250
Q street north, between Seventh and Fourteenth streets west.....							3,380
R street north, between Vermont avenue and boundary.....			10,700, at \$5, 53,500				53,500
R street north, between Fourteenth street east and eastern boundary.....					1,700, at 70c., 1,190		20,565
R street north, between Seventh street east and First street east.....			8,500, at \$5, 42,500				42,500
S street north, from Boundary street to Boundary street.....			16,250, at \$5, 81,250				81,250
T street north, from Seventeenth street west to Nineteenth street west.....			2,700, at \$5, 13,500				13,500

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Gutter stone, 50 cents per linear foot.		Graveling, 15 cents per square yard.		Grading, 25 cents per cubic yard.		Curbing, \$1 per linear foot.	
	Feet.		Yards.		Yards.		Feet.	
T street north, from Seventh street west to Fourteenth street west			17,000	\$2,550	5,000	\$1,250	.....	.....
T street north, from Eighth street east and east boundary								
U street north, from Boundary street to Boundary street			31,000	3,720	20,000	5,000	.....	.....
V street north, from Vermont avenue to boundary			31,000	3,720	20,000	5,000	.....	.....
W street north, from Boundary street to Boundary street			31,000	3,720	20,000	5,000	.....	.....
Boundary street, from Ninth street west to Twenty-second street west, for grading and macadamizing from P street bridge to Bladensburg road								
Continuation of sewer in C street north, between Second street east and New Jersey avenue; along said avenue to E street south, and along E street south to the canal								
Main sewer, commencing at Boundary street and Eighth street west, running along Eighth street west to T street north; along T street north to New Hampshire avenue; southwesterly along New Hampshire avenue to Eighteenth street west; thence along Eighteenth street west to Massachusetts avenue; thence south with said avenue to Sixteenth street west; thence along Sixteenth street west to L street; thence along L street to near Twenty-second street west; thence in a direct line along the course of the Slush Run to Rock Creek								
Main sewer, Sixth ward; commencing at Ninth street east and South Carolina avenue, running along said avenue to Eighth street south; thence along said street to E street south; thence along said street to Seventh street east; thence along said street to M street south; and west along M street to the river								
Constructing sewer of similar dimensions from Pennsylvania avenue along the Tiber valley to Gales's, with lateral branch to old St. Patrick's burying-ground								
First street west								

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement. <i>Square yards.</i>	Cobble-stone pavement. <i>Square yards.</i>	Wood pavement. <i>Square yards.</i>	Total.
	<i>Yards.</i>	<i>Linear feet.</i>					
T street north, from Seventh street west to Fourteenth street west							\$3, 800
T street north, from Eighth street east and east boundary		1, 400, at \$5,	\$7, 000				7, 000
U street north, from Boundary street to Boundary street		9, 180, at \$5,	45, 900				54, 620
V street north, from Vermont avenue to boundary		8, 400, at \$5,	42, 000				50, 720
W street north, from Boundary street to Boundary street		5, 260, at \$5,	26, 300				35, 020
Boundary street, from Ninth street west to Twenty-second street west, for grading and macadamizing from P street bridge to Bladenburgh road		10, 000, at \$5,	50, 000				178, 000
Continuation of sewer in C street north, between Second street east and New Jersey avenue; along said avenue to E street south, and along E street south to the canal	\$128, 000	2, 700, at \$5,	21, 600				21, 600
Main sewer, commencing at Boundary street and Eighth street west, running along Eighth street west to T street north; along T street north to New Hampshire avenue; southwest-erly along New Hampshire avenue to Eighteenth street west; thence along Eighteenth street west to Massachusetts avenue; thence south with said avenue to Sixteenth street west; thence along Sixteenth street west to L street; thence along L street to near Twenty-second street west; thence in a direct line along the course of the Slush Run to Rock Creek		14, 910, at \$20,	298, 200				298, 200
Main sewer, sixth ward; commencing at Ninth street east and South Carolina avenue, running along said avenue to Eighth street south; thence along said street to E street south; thence along said street to Seventh street east; thence along said street to M street south; and west along M street to the river		4, 231, at \$12,	50, 772				50, 772
Constructing sewer of similar dimensions from Pennsylvania avenue along the Tiber valley to Gales's, with lateral branch to old St. Patrick's burying-ground		11, 000, at \$60,	660, 000				660, 000
First street west							

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Gutter stone, 50 cents per linear foot.		Graveling, 15 cents per square yard.		Grading, 25 cents per cubic yard.		Curbing, \$1 per linear foot.	
	<i>Feet.</i>	<i>Yards.</i>	<i>Yards.</i>	<i>Yards.</i>	<i>Yards.</i>	<i>Feet.</i>	<i>Feet.</i>	
First street east, between B street south and Georgia avenue.....	1,500	42,000	\$6,300	20,000	\$5,000	1,500		
First street east, between D and H streets north.		14,000	2,100	31,000	7,750			\$1,500
Second street west.....								
Second street east, between A street north and North Carolina avenue.....								
Third street west, between G and N streets south.		19,000	2,850	18,700	4,675			
Third street east, between E street north to the boundary.....		26,000	3,300	31,900	7,975			
Fourth street west, between D and N streets north.....	8,000					8,000		8,000
Fourth street east, between M and N streets south.....								
Fourth street east, between East Capitol and E streets south.....		14,000	2,100	14,500	3,630			
Fourth street east, between E street north and the boundary.....		26,000	3,900	3,300	8,250			
Fourth street east, between B and E streets north.								
Fourth street east, between M street south and Georgia avenue, setting curbstones, repairing foot-walks, &c.....								
Fourth street east, between Maryland avenue and H street north, setting curbstones, repairing foot-walks, &c.....								
Fifth street west, between G and M streets north.	4,500					4,500		4,500
Fifth street east, between K and M streets south.		2,250						
Fifth street east, between East Capitol and E streets north.....		14,000	2,100	3,000	2,000			
Four-and-half street west, from canal to arsenal.								
Sixth street west, from canal to N street south.....	1,200					1,200		1,200
Sixth street east, from B street south to the river.		600						
Sixth street east, between G and I streets south, grading, graveling, brick pavements, gutters, &c.....								
Sixth street east, between East Capitol and E streets north.....		14,000	2,100	8,000	2,000			
Sixth street east, between E street north and the boundary.....		30,000	4,500	40,000	10,000			
Seventh street west, between M street north and the boundary.....								

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement. <i>Square yards.</i>	Cobble-stone pavement. <i>Square yards.</i>	Wood pavement. <i>Square yards.</i>	Total.
	<i>Yards.</i>						
First street east, between B street south and Georgia avenue.....			*4,000, at \$5, \$20,000				\$31,300
First street east, between D and H streets north.			†4,000, at \$5, 20,000		500, at 70c., \$350		32,450
Second street west.....							
Second street east, between A street north and North Carolina avenue.....			3,000, at \$5, 15,000				15,000
Third street west, between G and N streets south.			‡1,844, at \$5, 9,220				16,745
Third street east, between E street north and the boundary.....			§5,600, at \$5, 28,000				39,275
Fourth street west, between D and N streets north.....	20,000	\$20,000	2,400, at \$5, 12,000		2,700, at 70 c., 1,890		45,890
Fourth street east, between M and N streets south.....							1,000
Fourth street east, between East Capitol and E streets south.....							5,730
Fourth street east, between E street north and the boundary.....							12,150
Fourth street east, between B and E streets north.				\$4,000, at \$1, 4,000			||4,500
Fourth street east, between M street south and Georgia avenue, setting curbstones, repairing foot-walks, &c.....							,000
Fourth street east, between Maryland avenue and H street north, setting curbstones, repairing foot-walks, &c.....							6,700
Fifth street west, between G and M streets north.	12,000	12,000	2,400, at \$5, 12,000		1,500, at 70 c., 1,050		31,800
Fifth street east, between K and M streets south.							¶5,500
Fifth street east, between East Capitol and E streets north.....							4,100
Four-and-a-half street west, from canal to arsenal.			13,000, at \$5, 65,000			**50,600, at \$2, 101,200	166,200
Sixth street west, from canal to N street south.	24,640	24,640	††18,000, at \$5, 90,000		370, at 70 c., 259		116,669
Sixth street east, from B street south to the river.	40,000	40,000					40,000
Sixth street east, between G and I streets south, grading, graveling, brick pavements, gutters, &c.....							5,000
Sixth street east, between East Capitol and E streets north.....							4,100
Sixth street east, between E street north and the boundary.....							14,500
Seventh street west, between M street north and boundary.....			6,600, at \$5, 33,000				33,000

* North Carolina avenue to A street north. † A to F street north. ‡ E to I street north. § A street north to E street south. || West side. ¶ Grading and graveling. ** Stone paving. † Between river and boundary.

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Gutter stone, 50 cents per linear foot.		Graveling, 15 cents per square yard.		Grading, 25 cents per cubic yard.		Curbing, \$1 per linear foot.	
	<i>Feet.</i>		<i>Yards.</i>		<i>Yards.</i>		<i>Feet.</i>	
Seventh street west, between L street north and the boundary.....								
Seventh street west, from B street south to the river.....								
Seventh street east, between H street north and boundary, which includes side-walks, graveling, &c., to Deaf and Dumb Asylum.....								
Eighth street west, between Pennsylvania avenue and N street north.....	8,000	\$4,000					8,000	\$8,000
Eighth street west, between B street south and the river.....			24,000	\$3,600	24,000	\$6,000		
Ninth street west, from the river to the boundary, all portions not already sewered.....								
Ninth street west, from Pennsylvania avenue to N street north.....								
Ninth street east, between M and N streets south, grading, graveling, brick pavement, &c.....								
Ninth street east, between East Capitol and E streets south.....			14,000	2,100	12,000	3,000		
Tenth street west, between canal and N street north.....	7,900	3,950					7,900	7,900
Tenth street west, between N street north and boundary.....								
Tenth street east, between I and N streets south, brick pavement, graveling, &c.....								
Tenth street east, between East Capitol and E streets north.....			14,000	2,100	13,500	3,375		
Eleventh street west, between canal and N street north.....	9,000	4,500					9,000	9,000
Eleventh street west, between B street south and river.....								
Eleventh street west, between N street north and boundary.....								
Eleventh street east, brick pavement from Q street to navy-yard bridge.....								
Eleventh street east, between East Capitol and E streets north.....			14,000	2,100	13,000	3,250		
Twelfth street west, between Canal and E streets north.....								
Twelfth street west, between B street south and river.....	9,100	4,550					9,100	9,100

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement.	Cobble-stone pavement.	Wood pavement.	Total.
	Yards.						
Seventh street west, between L street north and the boundary				Square yard.	Square yard.		\$17,430
Seventh street west, from B street south to the river			18,600, at \$5,		24,900, at 70 c.,	23,194, at \$4,	185,776
Seventh street east, between H street north and boundary, which includes side-walks, graveling, &c., to Deaf and Dumb Asylum							12,300
Eighth street west, between Pennsylvania avenue and N street north	18,000	\$18,000	6,000, at \$5,		2,700, at 70 c.,		61,890
Eighth street west, between B street south and the river			6,800, at \$5,				43,600
Ninth street west, from the river to the boundary, all portions not already sewered			13,000, at \$5,				65,000
Ninth street west, from Pennsylvania avenue to N street north	48,000	48,000					48,000
Ninth street east, between M and N streets south, grading, graveling, brick pavement, &c.							5,100
Ninth street east, between East Capitol and E streets south							5,100
Tenth street west, between canal and N street north	17,000	17,000	4,100, at \$5,		2,700, at 70 c.,		51,240
Tenth street west, between N street north and boundary			10,180, at \$5,				50,900
Tenth street east, between I and N streets south, brick pavement, graveling, &c.							7,000
Tenth street east, between East Capitol and E streets north							5,475
Eleventh street west, between canal and N street north	21,000	21,000	7,000, at \$5,		2,300, at 70 c.,		66,610
Eleventh street west, between B street south and river			4,800, at \$5,				24,000
Eleventh street west, between N street north and boundary			19,400, at \$5,				52,000
Eleventh street east, brick pavement from Q street to navy-yard bridge							1,000
Eleventh street east, between East Capitol and E streets north			*6,920, at \$5,				39,050
Twelfth street west, between canal and E street north	21,060	21,000	2,600, at \$5,		3,030, at 70 c.,		49,771
Twelfth street west, between B street south and river	14,000	14,000	4,800, at \$5,				38,000

* East Capitol to I street.

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Gutter stone, 50 cents per linear foot.		Graveling, 15 cents per square yard.		Grading, 25 cents per cubic yard.		Curbing, \$1 per linear foot.	
	Feet.		Yards.		Yards.		Feet.	
Twelfth street west, between N street north and boundary.....								
Twelfth street east, grading, graveling, brick pavement, gutters, &c., from E street south to Virginia avenue.....								
Thirteenth street west, between canal and N street north.....	9, 230	\$4, 615					9, 230	\$9, 230
Thirteenth street west, between N street north and boundary.....								
Thirteenth street east, brick pavement, &c., between E street south and Pennsylvania avenue; same between I street and Virginia avenue, with grading and graveling between E street and Virginia avenue.....								
Thirteenth street east, between East Capitol and E streets north.....			14, 000	\$2, 100	25, 000	\$6, 250		
Thirteen-and-a-half street west, between Canal street and Pennsylvania avenue.....	1, 900	950					1, 900	1, 900
Fourteenth street west, between Rhode Island avenue and D street north.....								
Fourteenth street east, grading, graveling, brick pavement, both sides, between E and L streets south.....								
Fourteenth street west, between H street north and boundary.....								
Fifteenth street west, between canal and N street north *.....	8, 950	4, 475					8, 950	8, 950
Fifteenth street west, between N street north and boundary.....								
Fifteenth street east, between North Carolina avenue and Benning's Bridge road.....			16, 200	2, 430	15, 000	3, 750		
Sixteenth street west, between K street and boundary.....								
Seventeenth street west, between Massachusetts avenue and boundary.....								
Seventeenth street west, between L street north and boundary.....			39, 000	5, 850	39, 000	9, 750		
Eighteenth street west, between L street and Massachusetts avenue and Q street and boundary.....			30, 000	4, 500	30, 000	7, 500		
Eighteenth street west, between K street and canal.....			16, 000	2, 400	5, 000	1, 250		
Nineteenth street west, between Connecticut avenue and boundary and I and L streets.....								

* Except where sewered and paved.

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement. <i>Square yards.</i>	Cobble-stone pavement. <i>Square yards.</i>	Wood pavement. <i>Square yards.</i>	Total.
	<i>Yards.</i>						
Twelfth street west, between N street north and boundary.....			9,900, at \$5, \$49,500				\$49,500
Twelfth street east, grading, graveling, brick pavement, gutters, &c., from E street south to Virginia avenue.....							8,100
Thirteenth street west, between canal and N street north.....	21,000	\$21,000			3,080, at 70c., \$2,156		37,001
Thirteenth street west, between N street north and boundary.....			8,470, at \$5, 42,250				42,250
Thirteenth street east, brick pavement, &c., between E street south and Pennsylvania avenue; same between I street and Virginia avenue, with grading and graveling between E street and Virginia avenue.....							17,100
Thirteenth street east, between East Capitol and E streets north.....							8,350
Thirteen-and-a-half street west, between Canal street and Pennsylvania avenue.....	5,000	5,000	2,200, at \$5, 11,000		630, at 70c., 431		19,281
Fourteenth street west, between Rhode Island avenue and D street north.....			7,950, at \$5, 39,750				39,750
Fourteenth street east, grading, graveling, brick pavement, both sides, between E and L streets south.....							21,000
Fourteenth street west, between H street north and boundary.....							220,000
Fifteenth street west, between canal and N street north.....	21,000	21,000	4,400, at \$5, 22,000			55,000, at \$4, \$220,000	58,280
Fifteenth street west, between N street north and boundary.....			11,650, at \$5, 58,250		2,650, at 70c., 1,855		58,250
Fifteenth street east, between North Carolina avenue and Benning's Bridge road.....							6,180
Sixteenth street west, between K street and boundary.....			8,500, at \$5, 42,500				42,500
Seventeenth street west, between Massachusetts avenue and boundary.....			6,750, at \$5, 33,750				33,750
Seventeenth street west, between L street north and boundary.....							15,600
Eighteenth street west, between L street and Massachusetts avenue and Q street and boundary.....			8,150, at \$5, 40,750				52,750
Eighteenth street west, between K street and canal.....							3,650
Nineteenth street west, between Connecticut avenue and boundary and I and L streets.....			5,550, at \$5, 27,750				27,750

* Except where sewerer and paved.

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement.	Cobble-stone pavement.	Wood pavement.	Total.
	Yards.	Linear feet.					
Nineteenth street west, between K street and canal						Square yards.	\$6, 450
Twentieth street west, between I street and New Hampshire avenue and boundary			9, 300, at \$5, \$46, 500				46, 500
Twentieth street west, between K street and canal							5, 800
Twenty-first street west, between I street north and boundary			8, 850, at \$5, 44, 250	*\$8, 500			52, 750
Twenty-first street west, between K street and canal							5, 300
Twenty-second street west, between K and O streets north			9, 200, at \$5, 46, 000				46, 000
Twenty-third street west, between Pennsylvania avenue and Connecticut avenue			3, 500, at \$5, 17, 500				17, 500
Twenty-fourth street west, between Pennsylvania avenue and Rock Creek, (between I and E streets)			3, 650, at \$5, 18, 250				23, 000
Twenty-fifth street west, between Pennsylvania avenue and Rock Creek, (between M street and Potomac)			3, 400, at \$5, 17, 000				50, 450
North Capitol street, between B and E streets north			2, 990, at \$5, 14, 950				17, 550
North Capitol street, between E street north and boundary			11, 000, at \$5, 55, 000				55, 000
East Capitol street, between First street and Lincoln Square							13, 150
New York avenue, between Fourth and Fifteenth streets west	13, 740	\$13, 740	9, 000, at \$5, 45, 000		2, 720, at 70c., \$1, 904		72, 884
New York avenue, between Seventeenth and Twenty-first streets west							6, 700
New York avenue, between Twenty-first and Twenty-third streets west							6, 525
Massachusetts avenue, between Fourth and Fifteenth streets west							93, 766
Massachusetts avenue, between Fourteenth and Twenty-second streets west	20, 530	20, 530	11, 600, at \$5, 58, 000		2, 930, at 70c., 2, 051		26, 250
Massachusetts avenue, between North Capitol and Nineteenth street east			2, 000, at \$5, 10, 000				47, 800
Vermont avenue, between K and N streets north.	4, 170	4, 170	3, 600, at \$5, 18, 000		950, at 70c., 675		27, 105
Vermont avenue, between K street and boundary.			10, 300, at \$5, 51, 500				51, 500
Vermont avenue, between N street and boundary.							10, 500
Rhode Island avenue, between Tenth and Eighteenth streets west			5, 150, at \$5, 25, 750				25, 750

* Other improvements.

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Gutter stone, 50 cents per linear foot.		Graveling, 15 cents per square yard.		Grading, 25 cents per cubic yard.		Curbing, \$1 per linear foot.	
	Feet.		Yards.		Yards.		Feet.	
Rhode Island avenue, between Seventh and Fourteenth streets west	2,980	\$1,490	31,000	\$4,650	10,400	\$2,600	2,986	\$2,986
New Hampshire avenue, between Pennsylvania avenue and Eighteenth street and T street north and boundary								
New Hampshire avenue, between river and boundary			39,000	5,850	90,000	22,500		
Connecticut avenue, between Eighteenth and Twenty-first streets west								
Pennsylvania avenue, between Fifteenth street and Aqueduct bridge								
Pennsylvania avenue, between Thirteenth and Eighteenth streets east								
Pennsylvania avenue, between First and Eighth streets east								
Virginia avenue, from Seventh street to Rock Creek			46,900	7,035	94,000	23,500		
Virginia avenue, from Third street east to South Capitol								
Virginia avenue, between Sixth and Seventh, Eighth and Ninth, Tenth and Eleventh streets east			54,000	8,100				
New Jersey avenue, from New York avenue to the boundary								
Georgia avenue, brick pavement between avenue					36,000	9,000	5,400	5,400
Georgia avenue, brick pavement between Third street								
Georgia avenue, from M street south to Nineteenth street east								
Maryland avenue, between First street east and east boundary			72,000	10,800	9,800	2,500		
North Carolina avenue, between New Jersey avenue and east boundary			102,000	15,300	37,000	21,750		
South Carolina avenue, from Second to Fifteenth streets east			61,280	9,192	93,000	13,950		
Delaware avenue, from B street north to boundary			72,000	10,800	98,000	24,500		
Delaware avenue, from B street to P street south			80,000	12,000	84,000	21,000		
Improvements and repairs in Eleventh district			80,000	12,000	130,000	32,500		
Improvements and repairs in Eighteenth district								
Lamps throughout city								

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement. <i>Square yards.</i>	Cobble-stone pavement. <i>Square yards.</i>	Wood pavement. <i>Square yards.</i>	Total.
	<i>Yards.</i>						
Rhode Island avenue, between Seventh and Fourteenth streets west.....							\$12, 419
New Hampshire avenue, between Pennsylvania avenue and Eighteenth street and T street north and boundary.....							
New Hampshire avenue, between river and boundary.....			7, 740, at \$5, \$38, 700				38, 700
Connecticut avenue, between Eighteenth and Twenty-first streets west.....							28, 350
Pennsylvania avenue, between Fifteenth street and Aqueduct bridge.....			2, 400, at \$5, 12, 000				12, 000
Pennsylvania avenue, between Thirteenth and Eighteenth street east.....						63, 530, at \$4, \$264, 120	264, 120
Pennsylvania avenue, between First and Eighth streets east.....							14, 900
Virginia avenue, from Seventh street to Rock Creek.....						50, 000, at \$2, 100, 000	100, 000
Virginia avenue, from Third street east to South Capitol.....							30, 525
Virginia avenue, between Sixth and Seventh, Eighth and Ninth, Tenth and Eleventh streets east.....							6, 000
New Jersey avenue, from New York avenue to the boundary.....							4, 300
Georgia avenue, brick pavement between avenue.			\$18, 000, at \$5, 90, 000				112, 500
Georgia avenue, brick pavement between Third street.....							33, 000
Georgia avenue, from M street south to Nineteenth street east.....							1, 200
Maryland avenue, between First street east and east boundary.....							35, 300
North Carolina avenue, between New Jersey avenue and east boundary.....							37, 050
South Carolina avenue, from Second to Fifteenth streets east.....							23, 142
Delaware avenue, from B street north to boundary.							35, 300
Delaware avenue, from B street to P street south.							33, 000
Improvements and repairs in Eleventh district.							44, 500
Improvements and repairs in Eighteenth district.							150, 000
Lamps throughout city.....							150, 000
							45, 000

* Stone pavement.

B street north to boundary.

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Gutter stone, 50 cents per linear foot.		Graveling, 15 cents per square yard.		Grading, 25 cents per cubic yard.		Curbing, \$1 per linear foot.	
	Feet.		Yards.		Yards.		Feet.	
Relaying stone pavement of Seventh street west, from L street north to boundary								
Paving and sewerage alleys in squares 446, 447, and 448								
Water-main on F street, from Eleventh street to Thirteenth street west, and on Thirteenth street, from S street to E street north								
Water-main on Eleventh street west, from P street to T street north								
Water-main on Vermont avenue, from T street to W street north, and Tenth street west, from T street to W street north								
Water-main on Sixteenth street west, from L street north to boundary								
Alleys in squares 274, 335, 337, 309, and 365								
Paving alleys and abating nuisances in various sections								
Gas-pipe on Sixteenth street west, from L street north to boundary								
Fire-plugs on Sixteenth street west, from L street north to boundary								
Planting trees								
GEORGETOWN.								
Carrying out the improvements, such as grading, sewerage, curbing, &c., certain streets, as specified in a letter to board of Hon. W. D. Cassin, dated June 1, 1871								
Paving, grading, &c., Bridge, Montgomery, Greene, Congress, Washington, and High streets, &c.								
UNIONTOWN.								
Jackson street, grading and graveling								
Queen Chapel road								
Stanton avenue								
COUNTY.								
Grading Asylum Hill and improving road								
Two culverts on the Anacostia road								

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement.	Cobble-stone pavement.	Wood pavement.	Total.
	Yards.						
Relaying stone pavement of Seventh street west, from L street north to boundary.....							\$17, 430
Paving and sewerage alleys in squares 446, 447, and 448							10, 000
Water-main on F street, from Eleventh street to Thirteenth street west, and on Thirteenth street, from S street to E street north							5, 500
Water-main on Eleventh street west, from P street to T street north.....							6, 300
Water-main on Vermont avenue, from T street to W street north, and Tenth street west, from T street to W street north.....							16, 800
Water-main on Sixteenth street west, from L street north to boundary.....							15, 000
Alleys in squares 274, 335, 337, 309, and 365.....							5, 600
Paving alleys and abating nuisances in various sections.....							51, 000
Gas-pipe on Sixteenth street west, from L street north to boundary.....							10, 000
Fire-plugs on Sixteenth street west, from L street north to boundary.....							1, 200
Planting trees							50, 000
GEORGETOWN.							
Carrying out the improvements, such as grading, sewerage, curbing, &c., certain streets, as specified in a letter to board of Hon. W. D. Cassin, dated June 1, 1871.....							250, 000
Paving, grading, &c., Bridge, Montgomery, Greene, Congress, Washington, and High streets, &c.....							250, 000
UNIONTOWN.							
Jackson street, grading and graveling.....							3, 000
Queen Chapel road							5, 000
Stanton avenue							3, 000
COUNTY.							
Grading Asylum Hill and improving road.....							4, 000
Two culverts on the Anacostia road.....							2, 600

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Gutter stone, 50 cents per linear foot.		Graveling, 15 cents per square yard.		Grading, 25 cents per cubic yard.		Curbing, \$1 per linear foot.	
	<i>Feet.</i>		<i>Yards.</i>		<i>Yards.</i>		<i>Feet.</i>	
Repairs of roads east of Eastern Branch.....								
Opening Sixteenth street west, from Boundary street to Piney Branch.....								
Repairs of Bladensburg Turnpike road.....								
Improving Seventh street road.....								
Bridge across Piney Branch and Seventh street road.....								
Repair, grading, and extending Woodby road.....								
Bridge at Pierce's Mill and opening road from same to or near stone quarry on old road.....								
Repairs of roads west of Rock Creek.....								
Repairs between Rock Creek and Eastern Branch.....								
Stone abutment for bridge on Military road at Rock Creek.....								
Repairs of road leading from Georgetown to Chain bridge; also of road leading to Drivers' Rest, and of other roads not herein mentioned.....								
Total.....								
Deduct 20 per cent. of amount of estimates saved by the adoption of the cash system prepared by the board.....								
Deduct one-third, chargeable to property.....								

Estimated cost of carrying into effect the proposed improvements, &c.—Continued.

Designation.	Macadamizing, \$1 per square yard.		Sewers.	Brick pavement.	Cobble-stone pavement.	Wood pavement.	Total.
	Yards.						
Repairs of roads east of Eastern Branch.....							\$4, 000
Opening Sixteenth street west, from Boundary street to Piney Branch.....							7, 500
Repair of Bladensburg Turnpike road.....							23, 000
Improving Seventh street road.....							2, 500
Bridge across Piney Branch and Seventh street road.....							4, 000
Repair, grading, and extending Woodby road.....							6, 000
Bridge at Pierce's Mill and opening road from same to or near stone quarry on old road.....							6, 000
Repairs of roads west of Rock Creek.....							15, 500
Repairs between Rock Creek and Eastern Branch.							
Stone abutment for bridge on Military road at Rock Creek.....							1, 800
Repairs of road leading from Georgetown to Chain bridge; also of road leading to Drivers' Rest, and of other roads not herein mentioned.....							15, 090
Total.....							8, 222, 996
Deduct 20 per cent. of amount of estimates saved by the adoption of the cash system prepared by the board.....							1, 644, 599
Deduct one-third, chargeable to property.....							6, 578, 397
							2, 192, 799
							4, 385, 598

Respectfully submitted.

Hon. A. B. MULLETT,

*Chief Engineer Board of Public Works, District of Columbia.*WM. FORSYTH,
First Assistant Engineer Board of Public Works.

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Washington, D. C., February 1, 1872.

The following scale of prices for work and material covers the prices established by the board from time to time at their regular meetings, copied from the journal of the proceedings of the board.

CHAS. S. JOHNSON,
Assistant Secretary.

GRADING AND GRAVELING.

Grading* per cubic yard	30 cents.
Grading of old gravel streets : for first two feet, per cubic yard	40 cents.
Graveling, per square yard	15 cents.

SIDEWALKS.

Grading, per cubic yard	30 cents.
Paving with new brick, per square yard	80 cents.
Relaying old brick, per square yard	25 cents.

Provided, That bricks shall be furnished by the board at a price not exceeding \$11 50 per thousand.

Pavement on edge, per square yard.

CURBING.

Setting new curbstones, 6 inches per linear foot	30 cents.
Resetting old curbstones, 4 inches per linear foot	15 cents.
Setting new curbstones, 8 inches per linear foot	40 cents.
Setting new curbstones, 5 inches per linear foot	25 cents.

Granite curb without setting, per linear foot.

Size of pipe.	Furnishing.	Laying.	Total.
		Cts.	
6 inches straight	\$0 17	19	\$0 36
8 inches straight	32	...	...
10 inches straight	48	...	...
12 inches straight	57	23	80
15 inches straight	1 00	23	1 23
18 inches straight	1 30	22	1 52
20 inches straight	1 67	...	...
21 inches straight	1 72	...	...
24 inches straight	2 30	45	2 75
30 inches straight	4 40	...	...
12 by 6 branches	1 00	28	1 28
12 by 8 branches	1 25	...	...
12 by 12 branches	1 25	20	1 45
15 by 6 branches	1 45	30	1 75
15 by 8 branches	1 85	...	...
15 by 12 branches	1 85	20	2 05
15 by 15 branches	2 00	20	2 20
18 by 6 branches	2 00	37	2 37
18 by 8 branches	2 40	...	...

* Extract from "Minutes" of January 22, 1870.

* * * * *

Ordered, That the price of grading be fixed, from and after this date, at 30 cents per cubic yard, including the hauling, not to exceed 200 feet; for each additional 200 feet one cent additional per cubic yard will be allowed.

CHAS. S. JOHNSON,
Assistant Secretary.

Size of pipe.	Furnishing.	Laying.	Total.
		Cts.	
18 by 12 branches.....	\$2 40	40	\$2 80
18 by 15 branches.....	2 50	45	2 95
18 by 18 branches.....	2 60	45	3 05
20 by 6 branches.....	2 60	60	3 20
20 by 12 branches.....	2 60	65	3 25
20 by 15 branches.....	2 70	70	3 40
20 by 18 branches.....	2 80	70	3 50
21 by 6 branches.....	2 60	.....	.....
21 by 8 branches.....	2 75	.....	.....
24 by 6 branches.....	3 60	80	4 40
24 by 12 branches.....	3 70	90	4 60
24 by 15 branches.....	3 70	90	4 60
24 by 18 branches.....	3 70	80	4 50
24 by 20 branches.....	4 00	70	4 70
24 by 24 branches.....	4 00	.....	.....
30 by 6 branches.....	5 10	80	5 90
30 by 8 to 12 branches.....	6 50	.....	.....
30 by 15 branches.....	7 00	.....	.....

SEWERS.

— inch pipe per linear foot, &c.....	
Excavation and refilling, per cubic yard, to be measured in excavation only....	\$0 40
Manholes, 14 feet deep, per piece.....	72 00
For every linear foot, more or less in depth, in addition or reduction of 14 feet deep.....	3 25
Brick masonry, bricks per thousand.....	20 00

WATER SERVICES, ETC.

Water services:	
$\frac{3}{4}$ -inch "A A," lead pipe.....	50
$\frac{1}{2}$ -inch "A A," lead pipe.....	40
1-inch "A A," lead pipe.....	40
$\frac{3}{4}$ -inch galvanized pipe.....	24
Street-washer and box, (iron).....	6 12
Stop-cock and box.....	4 00
Stop-cock fitted.....	2 50
Bartholomew hydrant.....	7 50
Excavation and refilling, per cubic yard, to be measured as excavation only....	40

ALLEYS.

Grading, per cubic yard.....	30
Paving with new cobblestones, per square yard.....	50
Paving with old cobblestones, per square yard.....	30
Gutter-flags, 12-inch, per square foot.....	35
Gutter-flags, 16-inch, per square foot.....	50
Relaying 12-inch gutter-flag.....	12
Relaying 16-inch gutter-flag.....	12

GUTTERS.

Grading, per cubic yard.....	30
Paving with new cobblestones, per square yard.....	55
Paving with old cobblestones, per square yard.....	30
Gutter-flags, per square foot, 12 inches.....	35
Gutter-flags, per square foot, 16 inches.....	50
Setting new curbstones, 6 inches per linear foot.....	30
Resetting old curbstones, 4 inches per linear foot.....	15
Relaying gutter-flag, per square foot, 12 inches.....	12
Relaying gutter-flag, per square foot, 16 inches.....	12

PATENTED PAVEMENTS.

Stow pavement, per square yard.....	\$3 00
Roberts.....	3 00
Miller.....	3 00
Follansbee.....	3 00
Prismatic.....	3 00
Morse.....	3 00
Beidler Keystone.....	3 00
Ballard.....	3 00
Wyckoff.....	3 00
Parisen.....	3 20
Scharff.....	3 20
Evans concrete.....	2 95
Vulcanite, (Filbert).....	3 00

All to include two feet of grading in depth.

STONE-BLOCK AND MACADAM PAVEMENTS.

Belgian, per square yard.....	2 50
Belgian, (Seneca,) per square yard.....	2 50
Macadamizing, 12 inches deep.....	1 50

FLAG FOOTWAYS.

Flag-stone for crossing, per square foot, (four and laying).....	60
Relaying.....	12

List of contracts let under the act of legislature approved August 11, 1871.

Date.	Character of work.	Location.	From—	To—	Contractor.	Amount.
1871.						
Sept. 18	Foot-pavement and curb	Twelfth st. west	E st.	F street; extended to Pennsylvania avenue.	F. H. Finley	\$715 04
Sept. 18	do	do	Pennsylvania av	C street; extended to canal	George Neitzey	603 20
Sept. 18	do	Eleventh st. west	F st.	E street	F. H. Finley	2, 087 16
Sept. 18	do	Eighth st. east	G st.	I street south	James Fitzpatrick	2, 780 06
Sept. 18	do	Seventeenth st. west	Pennsylvania av	G street N. W.	do	
Sept. 18	Foot-pavement, curb, and grade.	do	do	New York avenue; extended to embrace part of foot-pavement, curb, and carriage-way on Seventeenth st., from G st. to New York av.	Henry Himber	1, 035 36
Sept. 18	Foot-pavement and curb	Fifteenth st.	do	H street, Madison Place, and extended from H street to K street N. W.	Emmert, Dunbar & Co.	3, 758 53
Sept. 18	do	Pennsylvania av.	Fifteenth st.	Madison Place; exten'd to Eighteenth st. N. W.	D. Hudnell	753 68
Sept. 18	do	New York av	Fourteenth st.	Fifteenth st. N. W.; exten'd to Ninth st. N. W.	James A. Nelson	1, 943 24
Sept. 18	do	K st.	Ninth st.	Tenth street N. W.	Thomas Lucas	1, 805 74
Sept. 18	do	E st. north	Thirteenth st.	Twelfth street N. W.; extended to Tenth street	do	
Sept. 18	do	Ninth st.	Pennsylvania av	D street	Stewart & Miller	2, 424 60
Sept. 18	do	G st.	Seventeenth st.	Eighteenth street N. W.	Henry Himber	1, 852 10
Sept. 18	do	do	Fourteenth st.	Fifteenth street N. W.; extended to Third st.	Andrew Gleason	1, 193 20
Sept. 18	do	Four-and-a-half st. west	Maine av	Arsenal	Patrick Cullinane	2, 030 40
Sept. 18	do	H st. N. W.	Twenty-fourth st	Twenty-fifth street extended to Eighteenth st.	Robert S. Hulse	1, 560 80
Sept. 18	do	I st.	Twenty-fifth st	Twenty-sixth street N. W.; extended to Eighth street.	William Fletcher	1, 131 40
Sept. 18	do	Thirteenth st	I st	K street extended to F street N. W.	Patrick Crowley	2, 331 88
Sept. 18	do	H st.	Second st	Third street N. W.; extended to boundary	Daniel A. Connolly	1, 023 24
Sept. 18	do	Rhode Island av	Seventh st	Boundary	Hugh McGinniss	5, 696 80
Sept. 18	Stow pavement	Twelfth st	Pennsylvania av	E street N. W.; extended to F street.	L. S. Filbert	4, 665 80
Sept. 18	Belgian Seneca pavement.	do	do	D street N. W.	do	
Sept. 18	Belgian blue-rock pavement.	do	D st.	C street N. W.; extended to canal	George Neitzey	7, 988 50
Sept. 18	Stow pavement	Eleventh st.	Pennsylvania av	E street N. W.; extended to F street.	Lewis Clephane	7, 167 50
Sept. 18	Prismatic pavement	Third st	Indiana av	New York avenue	E. F. M. Faetz.	69, 699 50
Sept. 18	Miller pavement.	Eighteenth st.	Pennsylvania av	G street N. W.; extended to E street	L. S. Filbert	5, 064 50
Sept. 18	Scharff pavement	Seventeenth st.	do	G street N. W.; extended to New York avenue; also from Pennsylvania avenue to H street.	John O. Evans	1, 420 80
Sept. 18	Grading	Bridge st., Georgetown	Rock Creek	Washington street.	Riley A. Shinn	1, 825 20
Sept. 18	Parisen pavement.	Vermont av.	Circle	K street.	W. B. Parisen	7, 321 60
Sept. 18	Scharff pavement	Pennsylvania av	Fifteenth st.	Madison Place extended to Eighteenth street.	John O. Evans	10, 153 60
Sept. 18	Vulcanite pavement	New York av	do	Fourteenth street extended to Ninth st. N. W.	L. S. Filbert	13, 380 60
Sept. 18	Macadamizing	H st. N. W.	Twenty-fourth st	Twenty-fifth street N. W.	Robert S. Hulse	2, 880 60
Sept. 18	12-inch sewer	Fifth st. N. W.	D st.	E street N. W.; extended to G street	George W. Goodall	438 28
Sept. 18	do	H st. N. W.	Twelfth st.	Thirteenth st. N. W.; extended to Seventh st.	H. J. McLaughlin	616 28
Sept. 18	do	Four-and-a-half st.	P st.	O street S. W.; extended to canal.	Patrick Cullinane	516 22
Sept. 18	do	do	Second st	First street	George Boswell	2, 058 40
Sept. 23	4-foot sewer	D st. south.	Four-and-a-half st.	Third street extended to Sixth street west	George Follansbee	5, 358 40
Sept. 23	7½-foot+4½ semi-circular sewer	Missouri av	Pennsylvania av	D street north	Lewis Clephane	794 75
Oct. 2	Sewer and water services	Eighth st. west.	do	Second street east extended to Eighth street	George Boswell	1, 499 30
Oct. 4	15-inch sewer	Pennsylvania av	First st			

List of contracts let under the act of legislature approved August 11, 1871—Continued.

Date.	Character of work.	Location.	From—	To—	Contractor.	Amount.
1871.						
Oct. 10	Sewer and water services.	do	do	Eighth street east.	Rothwell & Holden	5,694 15
Oct. 13	Main and lateral sewer and water services.	Twelfth st	Pennsylvania av	Canal	George Neitzey	1,215 72
Oct. 13	Sewer and water services	F st.	Seventeenth st.	Twenty-first street	do	5,646 55
Oct. 13	do	Eighteenth st.	Pennsylvania av	E street N. W.	Daniel Harman	2,706 40
Oct. 14	12-inch sewer	E street.	Thirteenth st.	Tenth street N. W.	Brennan & Schorfer	2,657 70
Oct. 14	12-inch and 15-inch sewer	East Capitol st.	Second st	Fourth street east, extended to Lincoln Square	Alberto Campbell	3,669 17
Oct. 12	Sewer services	do	do	Sixth street east	William Rothwell	6,246 71
Oct. 18	Sewer and water services	H st. north.	Third st. west	Tiber	Alex. Paterson	1,399 28
Oct. 25	Sewer	New York av	Sixth st. west	Seventh street extended to North Capitol st.	do	1,713 95
Nov. 9	12-inch and 15-inch sewer	Second st. N. E.	B st.	C street	Thomas Kirby	4,412 20
Nov. 9	do	C st.	Second st	Tiber	do	5,949 56
Nov. 17	do	Vermont av	Massachusetts av	K street N. W.	Brennan & Schorfer	1,946 53
Nov. 17	Water and sewer services.	Third st. N. W.	G st	I street south.	Childs & Neville	4,793 20
Nov. 21	12-inch sewer	Eighth st. east	Eighth st	Sixth street.	do	4,070 20
Nov. 21	30-inch sewer	I st. S. E.	F st.	H street N. W.	Barry & Fitzmorris	3,201 10
Dec. 1	18-inch sewer	Eleventh st. N. W.	Eleventh st.	Fourteenth street N. W.; extended to Ninth.	R. G. Campbell	7,417 10
Oct. 10	Sewer and water services	Massachusetts av	Seventh st.	Fourteenth street.	Cruit.	526 80
Oct. 10	do	H st	Bet. M and N and Sixth and Seventh.		R. C. Hewitt.	
Sept. 20	Grade and gravel.	Madison st.	Maryland av	H street N. E.	Thomas Betts	1,495 80
Sept. 20	Grade.	Ninth and Tenth sts. E	B st.	G street extended to embrace First and Second streets from G to I.	George Follansbee	7,609 29
Sept. 18	Sewer.	Second st. N. W.				
Sept. 20	Grade.	Union st.	M st	O street S. W.	William Buckley	500 29
Oct. 3	Grade and gravel	K st. S. E.	Four-and-a-half st.	James Creek canal.	Patrick Cullinane	6,523 46
Sept. 23	Reset curb and repair sidewalk.	Market Space	Seventh st	Ninth st	Lewis Clephane	1,128 32
Sept. 29	Grade and gravel	W street.	Fourteenth st	Boundary N. W.	William Schooler	3,344 32
Sept. 20	do	Eleventh st. east.	Maryland av	H street	Michael Shiner	2,108 40
Sept. 16	do	do	Pennsylvania av	Maryland av.	do	8,400 40
Sept. 26	do	Maryland av., in dist. 21			Andrew Gleason	10,933 20
Sept. 29	Foot-pavement.	Twentieth and Twenty-first sts.	E street	Pennsylvania av. N. W.	M. J. Laughlin	6,588 80
Sept. 29	Grade.	N street	Twenty-first st.	Twenty-second st	Cornelius Clark	1,877 40
Sept. 29	Grade and trim	Rhode Island av	Fourteenth st.	Seventeenth st.	T. H. Williams	2,488 80
Oct. 6	Grade and gravel, curb and foot-pavement.	Fourth st. east.	K street	H street	David Keppel	2,904 20
Nov. 20	Finish grading.	P street.		Bridge over Rock Creek.	William Fletcher	1,632 20
Oct. 11	Foot-pavement, curb and pave gutter; also grade and gravel.	Twelfth st. east.	E st. south and G st.	Virginia av	H. Browning	533 10
Oct. 26	Grade and sidewalk.	Seventh and Eighth sts. east.	Maryland av	H street	Thomas Betts	7,701 10
Nov. 3	Grade and footwalks, curbs and gutters.	K st. north.	North Capitol st	First st. east.	Thomas Joyce	4,341 85
Nov. 3	Grade and gravel	B street.	First st	Eleventh st. east	Joseph S. Weemes	5,310 85

Nov. 6	Curb and foot-pavements.....	Seventeenth st. west ..	Pennsylvania av.....	H st. north.....	M. J. Laughlin.....	1,257 60
Nov. 7	Grade, (to conform to grade of Seventh st. west.)	C st. south and Virginia and Maryland avs.			C. C. Scriber.....	2,328 80
Nov. 7	Grade and gravel.....	B st. south.....	Eleventh st.....	Twelfth st. east.....	William A. Fletcher.....	399 80
Nov. 13	Pave and gravel.....	Alley in square 274.....			C. C. Nelson.....	816 80
Nov. 20	Pave and grade.....	Alleys in square 375.....			Stephen Talty.....	550 80
Nov. 21	Grade and pave and curb.....	Myrtle st. in square 502.....			J. G. Stafford.....	1,957 75
Nov. 24	Gravel, curb, and foot-pavement.	Market Space.....			B. F. Gilbert.....	83,707 60
Nov. 16	Stow pavement.....	Alley in square 724.....	Seventh st.....	Ninth st.....	Lewis Clephane.....	3,900 60
Sept. 18	Pave.....	Tenth st. east.....	East Capitol st.....		Samuel Cook.....	1,232 55
Sept. 29	Sidewalk.....	Seventh st. east.....	H street.....	Maryland av.....	Campbell & Eslin.....	8,878 80
Sept. 23	Foot-pavement.....	Fourteenth st.....	B street.....	Deaf and Dumb Institute.....	Dennis Murphy.....	1,651 60
Sept. 28	do.....	H street.....	Seventh st.....	C st. extended to Maryland av. S. W.	Timothy O'Brien.....	847 60
Sept. 27	Belgian-pavement.....	Eighth st. east.....	B st. south.....	Fourteenth st. N. W.....	H. J. McLaughlin.....	30,777 50
Sept. 29	Foot-pavement and curb.....	Eighth st. west.....	Market Space.....	Maryland av.....	Campbell & Eslin.....	2,963 50
Oct. 2	Stow pavement.....	Third st.....	Indiana av.....	D st. north.....	Lewis Clephane.....	4,539 50
Oct. 14	Curb, sidewalk, and park.....	North Capitol st.....	C street.....	New York av.....	Morris Murphy.....	13,585 56
Oct. 25	Footways.....	Square 820.....		D street.....	D. Hudnell.....	851 20
Oct. 30	Foot-pavement.....	Across Virginia and Maryland avs. and Eighth st. west.			Daniel Connolly.....	256 20
Oct. 31	Footways and gutters.....	Alley in square 347.....			Frank Finley.....	878 40
Nov. 1	Paving.....	G street.....	Maryland av.....		Alexander Paterson.....	263 50
Nov. 2	Grade.....	Across alley fm. Frank- lin school building.		Sixth st.....	Thomas Betts.....	13,000 50
Nov. 6	Foot-pavement, (brick on edge) ..	Fourteenth st.....			Patrick Crowley.....	64 50
Nov. 13	Foot-pavement.....	Thirteenth st. N. W.....	H street.....	M st. N. W.....	Hewitt & Lewis.....	5,612 80
Nov. 13	Foot-pavement and curb.....	B st. N. E.....	E street.....	Pennsylvania av.....	Stewart & Miller.....	103 80
Nov. 16	Flag footway.....	Twelfth st. west.....	Across Third st.....	Connect with footway near Second st. east	Daniel A. Connolly.....	134 40
Nov. 16	Foot-pavement.....	R st. north.....	D st. N. W.....	B st. south.....	George Neitzey.....	1,254 88
Nov. 18	Foot-pavement and gutter.....	D st. north.....	Vermont av.....	Thirteenth st., with flag footway across Thir- teenth st. at R st.	J. G. Stafford.....	952 90
Nov. 20	Belgian-Seneca pavement, foot- pavement and curb.	E st. south.....	Twelfth st.....	Eleventh st.....	George Neitzey.....	3,435 20
Nov. 20	Foot-pavement, curb and gutters.	Redfern st.....	Eleventh st.....	Congressional Cemetery.....	H. Browning.....	5,616 10
Oct. 12	do.....	Alley in square 214.....			William Reynolds.....	799 60
Dec. 2	Pave.....	Seventh st. west.....	Pennsylvania av.....	B st. north; along B st. north to Ninth st. west; along Ninth st. west to Louisiana av.	Hewitt & Lewis.....	600 60
Dec. 1	Curb.....	Vermont av.....	Q st. N. W.....	Boundary.....	Andrew Gleason.....	420 60
Sept. 20	Grade.....	I street.....	Tiber Creek.....	First st. east.....	Albert Gleason.....	5,681 40
Nov. 18	Foot-pavement.....				A. H. Kinney.....	477 20
	Total.....					436,051 16
	Deduct for water-services.....					39,834 81
	Leaving.....					396,216 35
	Less one-third.....					132,072 11
	And there remains.....					264,144 24

I certify that the above schedule is correct.
WASHINGTON, D. C., February 2, 1872.

B. OERTLY, Assistant Engineer.

List of contracts made or extended since August 11, 1871.

Number of contract.	Description of work.	Location.	From—	To—	Name of contractor.	Amount.
1	Brick foot-pavement and curb	Twelfth st.	Pennsylvania av.	E st. N. W.	F. H. Finley	\$1,320 00
2	do	do	C st.	Canal	G. Neitzey	1,334 40
3	Foot-pavement, curb, and carriage-way	Seventeenth st.	G st.	New York av.	H. Himber	6,390 16
4	do	Fifteenth st.	H st.	K st.	Emmart, Dunbar & Co.	2,348 00
5	do	Pennsylvania av.	Madison Place	Eighteenth st. N. W.	D. Hudnell	3,434 13
6	do	New York av.	Ninth st. west	Fourteenth st. N. W.	S. A. Nelson	8,064 00
7	do	E st. N. W.	Tenth st. west	Twelfth st. N. W.	Stewart & Miller	1,600 00
8	do	G st. N. W.	Third st. west	Fourteenth st. N. W.	Andrew Gleason	12,576 00
9	do	H st. N. W.	Eighteenth st. west	Twenty-fourth st. N. W.	R. Hulse	7,267 20
10	do	S st. N. W.	do	Twenty-fifth st. N. W.	W. Fletcher	6,040 00
11	do	Thirteenth st. N. W.	K st.	Massachusetts av.	P. Crowley	2,136 00
12	do	H st. N. W.	Second st. west	Boundary	D. A. Conolly	22,809 00
13	do	Twelfth st. N. W.	E st. north	F st. north	L. S. Filbert	5,093 33
14	Stowe pavement	do	C st. north	Canal	G. Neitzey	5,777 20
15	Belgian pavement	Eleventh st. N. W.	E st. north	F st.	L. Clephane	15,456 00
16	Stowe pavement	F st. N. W.	Seventeenth st. west	Eighteenth st. west	L. S. Filbert	8,580 00
17	Miller pavement	Eighteenth st. N. W.	Pennsylvania av.	E st. north	do	15,960 00
18	Scharff pavement	Seventeenth st. N. W.	G st. north	New York av.	J. O. Evans	9,168 50
19	Evans pavement	Scott Square, Madison Place.	Seventeenth st.	Eighteenth st.	C. E. Evans	48,553 60
20	Scharff pavement	G st.	do	do	J. O. Evans	55,466 66
21	Vulcanite pavement	Pennsylvania av.	Madison Place	Eighteenth st. west	L. S. Filbert	44,129 00
22	Sewer	New York av.	Ninth st. west	Fourteenth st. west	G. W. Goodall	969 40
23	do	5th st.	E st. north	G st. north	H. S. McLaughlin	3,825 00
24	do	H st. north	Seventh st. west	Twelfth st. west	P. Cullinane	14,400 00
25	do	Four-and-a-half st.	P st. south	Canal	G. Follansbee	11,759 02
26	do	Missouri av.	Four-and-a-half st.	Sixth st. west	G. Boswell	8,001 61
27	do	Pennsylvania av.	Second st. east	Eighth st. east	A. Campbell	9,672 00
28	do	East Capitol st.	Fourth st. east	Lincoln Square	Th. Kirby	7,544 00
29	do	New York av.	Sixth st. west	North Capitol st.	G. Follansbee	4,428 16
30	do	First and Second sts. west	G st. north	L st. north	S. Strong	45,000 00
31	Curb, (50,000 linear feet of 6-inch curb, delivered at wharf.)	do	do	do	do	do
32	Grading	Rhode Island av.	Seventeenth st.	Connecticut av.	H. Murray	3,289 25
33	Grading and brick pavement	Eighteenth st.	N st.	Massachusetts av.	W. Schooler	4,929 00
34	Grading	Twenty-first st. west	M st. north	Boundary	G. W. G. Eslin	4,000 00
35	Brick pavement, curb, cobble	Sixteenth st. road	Tenth st. east	Eleventh st. east	W. A. Fletcher	511 31
36	Grade and pave	South Carolina av.	Alley in square 421	Twentieth st. west	James Thomas	640 00
37	Grade	N st. north	Connecticut av.	Rock Creek	T. H. Williams	593 40
38	do	P st. N. W.	Circle	do	W. Fletcher	5,600 00
	Footwalk, curb, cobble	Union alley, square 502	do	do	S. G. Stafford	700 56

39	New market-house.	Fourteenth st. west.	C st. south.	Maryland av.	T. O'Brien	1,273 43
40	Footwalk	Seventh st. south	B st. south	Potomac	Albert Gleason	7,522 35
41	Sidewalk and gutters	Alleys in squares 502 and 503			W. Buckley	3,066 40
42	Grade and pave	Alleys between O, P, Q, R, and Eleventh and Twelfth sts.			A. Paterson	2,000 00
43	do	Twelfth st., east side	D st.	Virginia av.	A. Gleason	6,464 00
44	Brick pavement, curb, gutter, &c	W st., north	Fourteenth st.	Fifteenth st.	W. Schooler	844 00
45	Grade	Alley in square 366	Ninth st.	Fifteenth st.	W. Reynolds	292 10
46	do	New York av., north side	do	do	J. V. W. Vandenberg	2,778 58
47	12-inch sewer	New York av., south side	L st.	M st.	B. Hutchins	2,815 29
48	do	Eighth st. N. W.	Pennsylvania av.	K st.	do	1,814 37
49	12-inch and 15-inch sewers	Nineteenth st. N. W.	Thirteenth st. N. W.	Vermont av.	L. Clephane	10,015 00
50	Stowe pavement, curb, c'k pavement	N st. N. W.	Eighteenth st.	Nineteenth st.	J. V. W. Vandenberg	1,160 00
51	15-inch sewer	L st. N. W.	H st.	K st.	G. Neitzey	5,583 00
52	Belgian pavement	Fourth st. east	Fifth st.	Sixth st.	D. Weppel	770 55
53	Gutter	L st. east	Second st. east	Seventh st. east	Stephen Talty	1,866 60
54	Gravel	L st. north	K st.	L st.	W. A. Wilson	1,349 75
55	Pave alleys	Alleys in squares 540, 580, 499	Sixth st. west	Seventh st. west	W. Buckley	1,940 00
56	Grade, sidewalk	G st. south	Fourth st. west	Fifth st.	O. O'Hare	1,607 17
57	Sewer	P st. north	Circle	Rock Creek	W. Fletcher	8,302 55
58	Brick pavement, curb, and grade	Eighth st. west	G st. north	L st. north	H. Hutchins	7,400 00
59	Sewer	Second and Third sts. east	Pennsylvania av.	D st. south	G. Boswell	3,316 00
60	do	Fourth st. east	M st. south	Georgia av.	D. A. Conolly	1,296 00
61	Brick pavement	Beall st., Georgetown, D. C.			— Collins	7,000 00
62	Sewer	Alley in square 518			James Thomas	262 95
63	Cobble pavement	M st. N. W.	New Hampshire av.	Rock Creek	H. Birch	16,425 29
64	C'k pavement, curb, grading, sewerage.	New Hampshire av.	Circle	Circle	R. Hulse	4,764 44
65	Grade					
66	Work done and progressing under orders, and for which formal contracts are in course of preparation.					
67	Pave and grade	Alley in square 336.			G. Neitzey	456 50
68	do	Alley in square 166.			do	660 00
69	Trap and manhole	Near 219, Four-and-a-half st.			First assist't engineer	160 00
70	Brick pavement	B st. S. E.	Third st.	Fourth st.	D. Conolly	387 20
71	do	First st. east	D st. south	Georgia av.	M. J. Laffin	8,463 00
72	Grade and gravel	S st.	Seventh st. east	Boundary	Stephen Talty	5,986 60
73	Side-walk and gutter	Maine av.	Four-and-a-half and Sixth sts		A. Gleason	2,047 58
74	do	Ninth st. east	East Capitol st.	North A st.	Eslin	1,036 80
75	Parking, &c	North Capitol st	H st. north	New York av.	P. McNamara	45,726 10
76	Grade and gravel	Sherman st.	F st. north	S st. north	A. Gleason	525 00
77	Sewer	Third st. west	Eleventh st. north	Twelfth st	O. O'Hare	14,000 00
78	Grade and pave	Alleys in squares 37 and 54			W. Fletcher	1,200 00
79	Brick pavement	G st., south side.			Albert Gleason	333 60
80	Vulcanite pavement	Alley 218.	H st.	S st. north	L. S. Filbert	651 00
81	C'k pavement	Fifteenth st. west	Seventeenth st. N. W.	Eighteenth st. N. W.	Henry Birch	1,540 62
82	Curb	G st. south side.	Fourteenth st. N. W.	Fifteenth st. N. W.	M. J. Laughlin	157 50
83	Sewer	G st. N. W.	North B st.		O. O'Hare	840 00
84	Stowe pavement				L. S. Filbert	6,600 00

List of contracts made or extended since August 11, 1871—Continued.

Number of contract.	Description of work.	Location.	From—	To—	Name of contractor.	Amount.
85	Miller pavement.....	E st. north.....	Tenth st. N. W.	Thirteenth st. N. W.	do	\$12, 467 08
	Total.....					614, 525 29
	Less one-third, to be paid by special assessment.....					204, 841 76
	Add—					
86	Market-house.....				B. Wingate	409, 683 53
87	Bridge over Rock Creek	From M st. to Bridge st.				27, 017 00
88	Tiber sewer	From Maryland av. to Indiana av.				35, 500 00
89	Slush Run sewer.....	From Twentieth to Twenty-second and M sts.				170, 625 00
	Total of extended contracts, and contracts entered into since August 11, 1871					28, 000 00
						670, 825 53

I certify that the above schedule is correct.

B. OERTLY, Assistant Engineer, February 2, 1872.

Report of work done under the general direction of the superintendent of streets, from August 15 to December 31, 1871.

District.	Superintendents.	Foremen.	Laborers.	Carts.	Plows.	Location of work	Amount.	Total.
Fifth	3	5	123	78	2	SPECIAL IMPROVEMENTS. H street, between Twenty-third and Twenty-fourth, northwest..... H street, between Twenty-fourth and Twenty-seventh, northwest..... Twenty-second street, between L and N, northwest..... M street, between Twenty-second and Twenty-sixth, northwest..... L street, between Twenty-first and Twenty-second, northwest..... Twenty-fourth street, between L and N northwest..... New Hampshire avenue, between L and M, northwest..... Twenty-third street, between D and New York avenue, northwest.....	\$969 25 7,771 44 3,875 06 1,804 77 3,208 87 2,882 55 7,084 03 1,332 13	\$28,928 10
Sixth	1	2	48	29	1	G street, between Twentieth and Twenty-first, northwest..... Twentieth street, between G and H, northwest..... Alley in square 121, northwest..... Twentieth street, between E and G, northwest..... G street, between Eighteenth and Nineteenth, northwest..... G street, between Seventeenth and Eighteenth, northwest.....	170 00 407 36 162 00 3,572 33 256 30 2,557 60	8,125 59
Seventh	2	4	78	41	2	L street, between Twenty-first and Twenty-second, northwest..... Nineteenth street, between I and K, northwest..... M street, between Twenty-first and Twenty-second, northwest..... New Hampshire avenue, between Twenty-first and Twenty-second, northwest..... V street, between Fifteenth and Eighteenth, northwest..... Fifteenth street, between S and V, northwest..... N street, between Seventeenth and Eighteenth, northwest..... N street, between Twentieth and Twenty-first, northwest..... Seventeenth street, between M and boundary, northwest..... M street, between Sixteenth and Seventeenth, northwest..... N street, between Fifteenth and Sixteenth, northwest..... N street, between Sixteenth and Connecticut avenue, northwest.....	619 25 619 25 967 43 3,536 99 567 88 1,672 29 2,373 51 2,463 12 1,346 99 857 91 3,592 35 727 49	19,344 46
Eighth	2	2	98	53	.....	Twelfth street, from Rhode Island avenue to boundary..... P street, from Sixteenth to Seventeenth..... Eleventh street, from S to U..... Eleventh street, from Q to R..... Twelfth street, from N to Rhode Island avenue..... Tenth street, from N to boundary..... Eleventh street, from R to T.....	2,164 23 2,117 15 2,702 85 1,958 40 792 07 1,373 07 1,310 50	

Work done under the general direction of the superintendent of streets, &c.—Continued.

Districts.	Superintendents.	Foremen.	Laborers.	Carts.	Plows.	Location of work.	Amount.	Total.
						SPECIAL IMPROVEMENTS—Continued.		
						R street, from Ninth to Fourteenth.....	\$4,972 68	
						Q street, from Seventh to Fourteenth.....	2,995 43	
						K eleventh street, from V to boundary.....	2,116 97	\$22,503 35
Fourteenth.....	1	1	20	10	1	Franklin street.....	280 00	
						O street, between First and North Capitol.....	716 05	
						Q street, between Fifth and New Jersey avenue.....	358 02	
						Q street, from Third to boundary.....	11,631 00	12,985 07
Seventeenth.....	1	4	74	66	2	Eighth street, between C and D, southwest.....	706 86	
						Eighth street, between F and G, southwest.....	1,027 30	
						Eighth street, between G and H, southwest.....	2,766 37	
						Eighth street, between H and I, southwest.....	2,409 64	
						Eighth street, between I and K, southwest.....	5,070 16	
						School street, southwest.....	793 01	
						Alley in square 436, southwest.....	477 00	
						Alley in square 466, southwest.....	637 80	
						Alley in square 494, southwest.....	360 99	14,249 13
Eighteenth.....	1	1	35	11	1	M street, between Third and Seventh, southwest.....	4,566 94	
						H street, between Third and Ninth, southwest.....	2,018 56	6,585 50
Nineteenth.....	1	3	92	44	2	L street, from Second to boundary, northeast.....	15,005 01	
						Delaware avenue, between G and H.....	448 50	
						H street, between North Capitol and boundary.....	716 50	
						Eleventh street, between H and I.....	474 00	
						Seventh street, between H and boundary.....	1,000 00	
						Fourteenth street, between D and E.....	2,630 70	
						Fifth street, between K and boundary.....	1,747 96	22,022 67
Twentieth.....	1	2	29	14	.....	Second street, between B and C, northeast.....	1,328 92	
						C street, between Second and Third, northeast.....	141 00	1,469 92

[illegible]

Report of work done under the general direction of the superintendent of streets, &c.—Continued.

Districts.	Superintendents.	Foremen.	Laborers.	Carts.	Plows.	Location of work.	Amount.	Total.	
	23 23 23	5 23 5	246 36 40	29 5 6	.....	SWEEPING PENNSYLVANIA AND LOUISIANA AVENUES AND M STREET.	\$1,766 00 495 00 538 22	\$2,799 22	\$2,799 22
						From August 8, to August 31..... From September 1, to September 16..... From December 1, to December 31.....			
						PROPERTY ACCOUNT.			
						Unloading new material..... Moving old material.....	1,514 60 786 87	2,301 47	2,301 47
						Less one-third the amount of special improvements chargeable to property-owners.....			220,972 61 57,619 52 163,353 09

THE DISTRICT OF COLUMBIA.

85

Name of road.	Between what points.	Number of superintendents.	Number of laborers.	Number of carts.	Amount of material.	Repairs.	Improvement.	Remarks.
Anacostia road.....	Good Hope road and District line.....	1	72	43	\$217 26	\$4, 907 08	.....	Repairing road, graveling, grading hill, and making culvert.
Bowen road.....	do.....	1	42	11	15 45	2, 039 96	.....	Repairs and making culvert.
Bunker Hill road.....	Lincoln avenue and Queen's Chapel road.....	1	6	3	.....	34 25	.....	Repairing road.
Benning's road.....	Benning's bridge and District line.....	1	45	28	361 17	1, 918 36	.....	Repairing, graveling, and building culvert.
Brentwood road.....	Queen's Chapel road and District line.....	.....	28	10	28 00	741 89	.....	Repairing road and plank culvert.
Columbia turnpike road.....	Boundary street and District line.....	1	45	35	14 50	.....	\$6, 374 70	Graveling and cleaning ditches and repairing culvert.
Good Hope road.....	Anacostia bridge and Good Hope.....	0	17	6	150 23	563 62	.....	Repairing road, cleaning gutters, and repairing culvert in Uniontown.
Giesborough road.....	Nichols avenue and Livingston Mill road.....	.....	.....	.....	.....	.....	.....	Included in Livingston Mill road.
Hamilton road.....	Naylor road and Giesborough road.....	0	27	9	18 15	1, 203 12	.....	Repairing road and plank culvert.
Livingston Mill road.....	Giesborough road and District line.....	.....	48	14	.....	876 40	2, 629 22	Repairing road and grading hill.
Nichols avenue.....	Anacostia River and Giesborough road.....	0	4	1	.....	202 24	.....	Repairs and cleaning ditches.
Naylor road.....	Anacostia River and District line.....	1	7	0	.....	12 50	.....	Do.
Pomeroy avenue.....	In Barry Farm subdivision for freedmen.....	1	23	0	7 86	729 50	.....	Do.
Queen's Chapel road.....	Bunker Hill road and Columbia turnpike road.....	1	28	9	67 50	2, 275 62	.....	Repairing, making bridges, and cleaning ditches.
Stanton avenue.....	In Barry Farm subdivision for freedmen.....	1	92	28	123 11	.....	4, 442 85	Building culvert and grading and graveling.
Sheridan avenue.....	do.....	1	.....	.....	146 21	.....	4, 097 30	Do.
Sumner avenue.....	do.....	0	27	0	.....	327 70	.....	.....
Sheriff road.....	Anacostia road and District line.....	1	28	17	10 00	1, 738 21	.....	.....
Peirce street.....	Uniontown.....	0	13	5	.....	274 50	.....	.....
Howard avenue.....	In Barry Farm subdivision for freedmen.....	0	27	6	.....	546 75	.....	.....
Bowen avenue.....	do.....	0	17	4	14 85	611 62	.....	Repairing and grading.
Total.....	.....	.....	596	229	1, 174 29	17, 203 32	17, 544 07	.....

NOTE.—There are more superintendents appearing in this statement than were appointed, as many of them superintended more than one road at the same time.

I certify this statement to be correct, as returned by superintendents.
NOVEMBER 12, 1871.B. D. CARPENTER,
Second Assistant Engineer, Board of Public Works.
Honorable BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA.

INVESTIGATION INTO THE AFFAIRS OF

Name of road.	Between what points.	Number of superintendents.	Number of laborers.	Number of carts.	Amount of material.	Repairs.	Improvements.	Remarks.
Broad Branch road.....	Peirce's Mill and District line.....	1	4	1	\$60 40	\$140 75	.....	Repairing two bridges and road.
Blair road.....	Rock Creek Church road and District line.....	1	16	6	.....	352 95	.....	Repairing and cleaning ditches.
Bunker Hill road.....	Lincoln avenue and District line.....	1	6	3	.....	34 25	.....	Repairing road.
Columbia road.....	Boundary street to Piney Branch road.....	1	23	0	6 25	134 12	.....	Covering small bridge and repairing road.
Grant road.....	Georgetown turnpike and Military road.....	.....	.....	.....	.....	.....	.....	Included in Military road.
Harewood road.....	Lincoln avenue and Rock Creek Church road.....	0	5	0	.....	2 50	.....	Repairing small culvert.
Howard avenue.....	In S. P. Brown's subdivision of Mount Pleasant.	1	4	1	52 79	150 43	.....	Repairing street and building stone culvert.
Lincoln avenue.....	Boundary street and Bunker Hill road.....	1	50	18	192 50	.....	\$5, 104 50	Grading and widening road and building two culverts.
Linnean Hill road.....	Piney Branch road and Rock Creek.....	1	9	0	243 15	527 23	.....	Repairing road and widening at Quarry Hill, flooring bridge, and guard rails.
Military road.....	Broad Branch road and Grant road.....	0	11	1	.....	309 62	.....	.....
Do.....	Piney Branch road and Rock Creek.....	0	13	0	.....	19 50	.....	.....
New Cut road.....	Georgetown and Drover's Stand.....	1	28	25	324 64	.....	4, 421 87	Trimming and graveling road.
North street.....	In S. P. Brown's subdivision of Mount Pleasant.	1	14	7	.....	395 63	.....	.....
Oak avenue.....	do.....	1	6	0	.....	41 50	.....	.....
Old Piney Branch road.....	Columbia road and Piney Branch.....	1	15	1	.....	111 50	.....	.....
Piney Branch road.....	Linnean Hill road and Seventh-street road and Blair road.	2	42	14	135 78	2, 812 78	.....	Repairing road, bridge, and plank culverts, and paving gutters on Blagden Hill.
Peirce Mill road.....	Georgetown turnpike and Peirce's Mill.....	1	32	4	.....	1, 536 49	.....	.....
Rock Creek Church road.....	Piney Branch road and Seventh-street road.....	1	4	0	77 85	100 00	.....	Repairing road and laying sewer-pipe culvert, 18-inch.
Swart road.....	Broad Branch road and Rock Creek Ford road.	0	12	0	.....	222 87	.....	Repairing road.
Seventh-street turnpike road.....	Boundary street to Battle Cemetery.....	6	517	203	8,091 06	198 50	61, 192 77	.....
Sandy Springs road.....	Blair road to District line.....	1	16	6	.....	352 95	.....	.....
Sherman avenue.....	Grant street to Rock Creek Church road.....	1	14	5	.....	414 37	.....	Repairing and cleaning ditches.
Spring-street road.....	Piney Branch road to Rock Creek Church road.	1	21	5	38 50	1, 081 74	.....	Repairing, cleaning ditches, and rounding up road and making two small culverts.
Woodley road.....	Georgetown turnpike and Rock Creek.....	1	72	23	32 65	.....	5, 536 58	Grading and making new road and one culvert.
Total.....	.....	.....	934	323	9,255 57	8, 939 68	76, 255 72	.....

NOTE.—There are more superintendents appearing in this statement than were appointed, as several superintended more than one road at the same time. I certify the above statement to be correct, as returned by the superintendents.

DECEMBER 12, 1871.
B. D. CARPENTER,
Second Assistant Engineer, Board of Public Works.

HONORABLE BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA.

RECAPITULATION.

	Value of material.	Repairs.	Improve-ments.
First district.....	\$1, 174 29	\$17, 203 32	\$17, 544 07
Second district.....	9, 255 57	8, 939 68	76, 255 72
	10, 429 86	26, 143 00	93, 799 79
Deducted, chargeable to property-holders.....			31, 266 59
Total.....			62, 533 20
Total of repairs			26, 143 00
Total value of material			10, 429 86
Total			99, 106 06

Supplementary statement of labor performed on Seventh-street road from November 30, 1871, to January 31, 1872, inclusive.

Name of road.	Between what points.	Number of su-perintendents.	Number of laborers.	Number of carts.	Amount of material.	Repairs.	Special improve-ments.	Remarks.
Seventh-street road	Boundary street and Brightwood..	6	215	73			\$5, 676 99	Grading and graveling.
Total amount					8, 091 06		66, 869 76	

FEBRUARY 2, 1872.

B. D. CARPENTER,
Second Assistant Engineer, Board of Public Works.

IN THE MATTER OF THE SEVENTH STREET IMPROVEMENT.

WASHINGTON, D. C., *February 3, 1872.*

Mr. RIDDLE said that he would next bring before the committee the matter of the Seventh street improvement, from Boundary street to the northern line of the District, and he called attention to the entry in respect to that matter, on the 10th page of the plans and specifications and schedule for improvements, showing the estimate for that work to be \$2,500.

Mr. CHANDLER remarked that that was a misprint for \$25,000.

Mr. RIDDLE said he was advised that the cost of the work, when completed, would be about \$150,000. He read and put in evidence the following letter from Mr. Carpenter, the engineer of the work:

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Washington, February 2, 1872.

SIR: In accordance with your request for a full statement of the improvements and repairs upon the roads and bridges of the District, I submit the following:

On the 17th day of May, 1871, I was appointed by the board of public works second assistant engineer, and placed in charge of the roads and bridges of the District outside of the corporate limits of the cities of Washington and Georgetown, and was instructed to examine into their condition and to prepare for putting them in good order.

I made examinations, surveys, and profiles for the improvement of several of the roads in the District, including Fourteenth street, Sixteenth street extended, Howard avenue, Bladensburgh turnpike road, and Seventh street road.

The Seventh street road, formerly a turnpike, had been the subject of controversy and litigation, and had at last been purchased by the city and county under an act of Congress, approved March 3, 1871, establishing certain free public highways in the District. Although the most important road leading from Washington into the country, I found it in the worst possible condition; the owners of the turnpike having been indicted for not keeping it in repairs.

I submitted to the board a profile survey, with grade recommended by me and estimate of grading, and advised that the work be done by day's labor instead of by contract, as the county people wished the improvement promptly made and to participate in the work as they had been in the habit of doing.

August 12, 1871, a committee of the board, with myself, examined the road and adopted the grade, and I was directed to proceed in accordance with my recommendation. I commenced work on the 16th of August and virtually stopped on the 22d of December.

The improvement begins at Boundary street and extends five miles to the District line. Instead of a hilly, uneven road, badly out of repair, with chasms on each side and in some cases in the roadway, there will be a road with grades in no place exceeding 4 feet to the 100, filled out to the full width of 66 feet.

The carriage-way is macadamized in the center 16 feet wide and 12 inches deep, and graveled out each side 15 feet wide, with gutters 4 feet wide, paved with cobble-stone, and sidewalks 6 feet wide, graveled.

The improvement also includes six stone-arched culverts of first-class masonry, and seven sewer-pipe culverts, also one barrel-brick culvert with traps.

The accompanying official report made by me December 12, 1871, shows all the work done by me on all the roads up to November 30, and makes the expenditures to that date on the Seventh street road for labor, \$61,192 77, and for material, \$8,091 06. The additional expenses up to January 31, 1872, were \$5,676 99, all for labor; making total expenditures \$74,960 82, of which two-thirds (\$49,973 88) are chargeable to the District and one-third (\$24,986 94) is chargeable to the property owners.

The work is now about three-fourths done. Much of the excavation was hard, and in particular one hill of potter's clay was very difficult. Considering the character of the work it has been performed economically and at about the expense of contract-work.

The value of this improvement to the city of Washington is incalculable, and cannot be well judged except by a personal examination.

The highway in Maryland connecting with this road at the District line is a good macadamized road, but, by reason of the impassable and dangerous condition of the Seventh street road, country people living from eight to twenty miles from Washington have been in the habit of carrying their produce to other markets in Maryland, even as far as Baltimore.

Much popular feeling has existed on this subject, and there have been many public meetings and petitions for the purpose of securing a better road.

Very respectfully,

B. D. CARPENTER,
Second Assistant Engineer, Board of Public Works.

WILLIAM E. CHANDLER, Esq.,
Counsel for the District of Columbia.

WASHINGTON, D. C., June 28, 1871.

To the honorable gentlemen the board of public works :

I most respectfully but urgently press upon your attention the immediate necessity of grading Seventh street. The road from the city limits to the Schuetzen Park is actually dangerous. Daily there are accidents on account of the ugly and deep ditches on each side of the road. The hill as it now is has become a public nuisance. Only yesterday, while in company with three gentlemen from Baltimore, we witnessed the upsetting of a horse and wagon down into the ditch near General Howard's ; our own team became frightened, and came near spilling us into a murder-hole. Pardon my intrusion, but I deem it of importance.

Truly yours,

S. WOLF,
President of Washington Schuetzenverein.

A true copy :

CHAS. S. JOHNSON,
Assistant Secretary.

At the request of Mr. Riddle, his associates, Messrs. Culver and Crane, were permitted to conduct the examination of witnesses in his stead.

JOHN GASS sworn and examined.

To Mr. CULVER : I was superintendent of the work on Seventh street until 23d December, when the men were discharged. The work was done by days' work. I was put upon the work by Mr. Shepherd, Mr. Brown, and Mr. Magruder, under the charge of the engineer, Mr. Carpenter. I had no understanding about the cost of the work. I understood that the road was to be 166 feet wide, macadamized in the center, and graveled on the sides, with gutter and sidewalk. This gutter—a part of it—was let by contract. I have no knowledge of the price paid for it, nor who had the contract.

Question. Who furnished the stone for macadamizing the road ?—Answer. It is furnished by some eight or ten persons—three of them living at Brightwood. Some was furnished by Lewis & Hall, and some by A. P. Brown, a son of S. P. Brown.

Q. Do you know whether it is intended to build a street-railroad from Boundary street to Mr. Shepherd's farm, or the District line ?—A. I understand that the Schuetzen-park people and some of the neighbors propose to build a street-railroad there as soon as they can.

Q. Would the grading of that road have much effect on the cost of the railroad ?—A. A good deal. I suppose the charter for the road was obtained last Monday. I know some of the stockholders, Mr. Clagett, Mr. Chesney, and almost all of the residents along the road.

Q. Are any of the members of the board of public works stockholders ?—A. Not that I know of.

Q. How far is Mr. Shepherd's farm from the proposed terminus of the railroad ?—A. It is just off to the left of it ; it is nearly opposite Blair's. The end of the road is very near Mr. Shepherd's farm.

Q. How many men did you have employed under you at any one time ?—A. There were five hundred and seventeen on the road just before we were discharged.

Q. Did you ever find any fault with them that they did not do enough work at election times ?—A. Every superintendent and contractor will be finding fault all the time, and will want to have his work done as cheap as possible.

Q. Do you know how those men voted at the election ?—A. Yes ; I know pretty well. I was there.

Q. How did they vote ?—A. I do not recollect the number of the vote for the loan or for the candidates.

Q. Do you know a single man who voted against the loan ?—A. Yes, sir ; I know two.

By Mr. ROOSEVELT :

Q. How many voted for the loan ?—A. I do not know.

Q. Did you go with them when they voted ?—A. I was there, and saw how they voted.

Q. Did they vote in a body ?—A. They came up in squads.

Q. Under anybody's direction ?—A. Yes. One company came with Mr. Voorhees, a time-keeper at Fort Slocum ; and other companies came under their leaders.

Q. Were they directed to vote the republican ticket, or the ticket for the loan ?—A. Yes. I heard Voorhees say that they must vote for the loan, and not scratch the ticket, or anything of that kind.

Q. Did he give any reason for that ?—A. None.

Q. Did he say that he had received any directions to tell them so ?—A. He did not.

A colored man named Henry Owens was president of a club at Fort Slocum, and Voorhees came from the Eastern Branch and got him to resign his presidency and give it up to him. Voorhees was the time-keeper of the road at that time. He took charge of that club of men—fifty or sixty.

By Mr. CRANE :

Q. Do you think that it was necessary to incur this immense expense ?—A. I always go for good rates.

Q. Did you ever know such an expensive road as that before ?—A. No, sir; I do not think I ever did.

Q. Would not the road have answered every practical business purpose with one-fifth part of the expense, if it were not for the intention to build a street-railroad on it ?—A. That I cannot say; the better the road the better I like it, and the better for the city.

By Mr. CULVER :

Q. Could it not have been made a good road with one-half or one-fourth the expense ?—A. Not as good as it will be, but much better than it was.

Q. Could it not have been made a good road for all practical purposes at one-fourth the expense ?—A. Yes; the road could have been kept narrow, and been fixed up so that it would have done very well; the road is about five miles long; it is a great thoroughfare.

Q. Do you consider Fourteenth-street road a good road, to the intersection of Seventh street ?—A. A pretty good road; it has been repaired.

Q. With a little repair, could not Seventh street have been made equally as good ?—A. Yes, sir; as good as Fourteenth street; it is very bad now.

To Mr. CHANDLER :

I live on Seventh street, at the junction of Whitney avenue; I have lived there seven years; my house is about one-fourth of a mile from the old toll-gate; the condition of Seventh street, from Boundary street to the District line, has been very bad; the District line ends near Mr. Shepherd's house; most of the time for the last seven years we crossed and went over to Fourteenth street, in order to get to the city, on account of the bad condition of Seventh street; the roadway was narrow, irregular, and full of holes and gulleys; I have seen a horse and cart down a gulley there, opposite General Howard's, 15 feet; the road was very narrow, with deep ditches on each side, and very dangerous.

Q. Had the road been indicted ?—A. I think it had been.

Q. Has Mayor Emery a residence on the road ?—A. Yes, about two miles from my house; he lives right at Brightwood, about a mile this side of Mr. Shepherd's.

Q. The improvement of Seventh street will benefit Mayor Emery just as much as Mr. Shepherd ?—A. Yes; it goes right by his house.

Q. Has the condition of the whole road been dangerous during the last few years ?—A. Yes, sir, more or less, the whole distance.

Q. What has been the average width of the road-bed from the toll-gate to the District line ?—A. I should not think that it was more than from 18 to 20 feet.

Q. What was the condition of the side gutters ?—A. Very deep and very dangerous.

Q. Has it been washed a good deal by rain-storms ?—A. Yes.

Q. How about the crossing of the streams—for instance, at the bridge just beyond old Fort Stevens ?—A. I never crossed there when the water was up.

Q. Have you ever noticed how narrow the bridge-way was ?—A. Yes; I think it was about 16 feet.

Q. With a deep incline on each side ?—A. Yes.

Q. That is the only thoroughfare into Maryland ?—A. The only one in that direction. You can go by Benning's bridge, but the Seventh-street road is the main road. Fourteenth street comes in at Brightwood, where Mayor Emery lives; about one and a quarter miles from the District line.

Q. Can you give any idea of the amount of travel over this road ?—A. It is greatly traveled. All the market people from that section come in that way. I know they troubled us a good deal while we were at work, and we had to drive them off that road.

Q. Since the war, has the property along the line of Seventh street been improved by settlers coming in ?—A. It has been improved by this improvement.

Q. Have houses been built there ?—A. They are building some.

Q. Where does the Metropolitan Railroad, which Mr. Garrett is supposed to be constructing to the Point of Rocks, cross Seventh street ?—A. Just beyond the District line.

Q. So that Seventh street, graded to the District line, will reach near to the railroad station on this projected road ?—A. Yes, sir.

Q. The road is graded and the track laid, is it not ?—A. Yes; part of the way.

By Mr. ROOSEVELT:

Q. Do you know where these men came from whom you had employed?—A. Yes; they came from the county—within the District.

Q. Were they selected by yourself?—A. When a man came for work, I asked him if he belonged to the county, and if he did I hired him.

Q. Did any one connected with the city government send any of those men to work?—A. Mr. S. P. Brown sent a man to Mr. Carpenter for work, and Mr. Carpenter referred him to me.

Q. Was that done to any extent?—A. Not to any great extent.

By Mr. ELDRIDGE:

Q. You said that there was a railroad to be built over the Seventh-street road?—A. Yes, sir.

Q. Have any steps been taken to build the road?—A. The books for subscription to the stock are to be opened next Monday. I believe they have up to the 20th of February to commence work. It is to be a horse-railroad.

Q. Where did they obtain the charter?—A. From the legislature of the District.

Q. Where is this street-railroad to commence?—A. It is to start from Boundary street, at the park, and run out over Seventh street to Silver Springs. It will meet the Metropolitan Railroad at Silver Springs.

Q. Is that road to belong to the Washington and Georgetown Railroad Company?—A. No, sir; it is a separate company.

Q. Were you directed to build this road on Seventh street so as to fit it for a horse-railroad?—A. No, sir; I never heard the horse-railroad mentioned to me. I built the road according to the pegs driven by the engineer, Mr. Carpenter.

Q. When was the grade determined upon; was it before or after the railroad was chartered?—A. The application for the road was made some time last spring, and the pegs were driven for me to work by about the 13th or 14th of August, I should think. We went to work on the 16th of August, and the pegs were on the road at that time. The charter for the horse-railroad was obtained within the last month.

Q. What has been the principal expense of improving that Seventh-street road; was it the grading or the filling up of the hollows and the widening of the track?—A. In the first place, we widened the road clear out the whole distance by 66 feet; then we took the tops off the hills and put them in the hollow; then there were culverts built, two or three first-class culverts.

Q. Was the cutting more than was necessary to fill up and to level the road?—A. No, sir. We had a plan of the road to work by, and the pegs were driven accordingly.

Q. Did you have to remove any of the earth that was cut down, or did you use it all on the road?—A. We moved the rich soil on the top of the road sometimes and laid it out in the fields, calculating to plant trees with it. The rest of the cutting was spread on the road. The soil that was laid aside was to be used by the road-makers.

Q. Were the men who were employed there paid anything for voting?—A. Not to my knowledge.

Q. Did you make it a previous condition that they were to vote in any particular way when you hired them?—A. No, sir; I never spoke to them on the subject. I had a friend who was a candidate at the election, and I did all I could for him.

Q. Were these workmen principally colored?—A. Most of them were.

Q. Did any member of the city government make it a condition in the hiring of these men that they should vote in any particular way?—A. No, sir; there was not a word said about it to my knowledge.

Q. At the time you hired the men, were they consulted with reference to the voting for the loan?—A. No, sir, not at all.

Q. Did you discharge any men because they did not vote for the loan, or for any particular candidate?—A. No, sir.

Q. What did you mean in your answer to Mr. Culver when you said that that road could have been built for a quarter of the amount?—A. If it is only a quarter built, it could be built for that amount.

Q. Do you mean that, for a quarter of the cost, it could have been made a good, substantial, safe road?—A. No, sir; I did not so answer it. I say that you could quarter build the road for a quarter of the price.

Q. For one-quarter of the cost of that road, could there have been made a good, substantial, and safe road?—A. No, sir.

Q. It could not be safe?—A. You could not fill up these gutters on the side. You could make a road-bed of 15, or 18, or 20 feet in width, and make a very comfortable road, but you could not make a safe road for that price.

Q. What is your opinion as to the building of that road, and the expenditures laid out on it, whether it was economically and wisely improved?—A. That is a pretty hard question to answer. The more money you lay out on a road, the better you make the road.

Q. You can state whether this road was economically and wisely built in your judgment?—A. I think it was.

By Mr. ROOSEVELT:

Q. Why did you ask the men where they resided when you were employing them?—A. We wanted to give all the work we could to county men that were poor and needy.

Q. You did not have any reference at all to their voting?—A. Yes, I thought about it.

Q. When did you have most men employed?—A. We began work on the 16th of August, and worked up to the 23d of December. The largest number were employed, I think, along about Thanksgiving time, the last of November.

Q. When was the vote taken on the loan?—A. On the 22d of November.

Q. And you had the most employed about that time?—A. I think after that time we had the most. Mr. Carpenter has daily record of all that.

Q. Was there any considerable difference in the number of men employed?—A. No, sir; we only employed the number we wanted. If we had more carts than we had men in proportion, we put the men to the carts; and if we had more men in proportion than we had carts, we put the carts to the men. We worked so many men to the cart, depending upon the length of the haul.

Q. Do you mean to say that, for all the necessities of travel on that road, it could have been built for one-fourth of its cost?—A. No, sir; not to do it justice. If you can build a good road for a certain sum, and if you take one-fourth of that sum, you can make a road one-quarter as good.

Q. Would a road one-fourth as good have answered all the purposes of that road?—A. No, sir.

Q. Would the road one-half as good?—A. It is doubtful; you could not put the guards against people running off the road, which ought to be put up.

Q. Do you think that the road cost any more than the travel upon it required?—A. The sidewalks and the paved gutters might be left off, but the road is so much better as it is. It is going to be a nice road when it is done.

By Mr. CHIPMAN:

Q. Were not both the candidates at the election republicans?—A. Yes, sir.

Q. There was no democratic candidate in the district?—A. No, sir.

Q. Which was elected?—A. O. S. B. Wall. The other candidate was J. T. S. Hall, a member of the last house of delegates. Both were republicans. Hall was not elected. There was no democrat in the field.

By Mr. ELDRIDGE:

Q. What was the question between them?—A. It seemed to be a question of color. One was a colored man, and the other a white man; the colored man was elected.

By Mr. CHIPMAN:

Q. What is the effect of this road upon property; will it enhance its value?—A. Yes, sir.

Q. It will make suburban residences there desirable?—A. Yes, sir.

Q. And in that way it will increase the revenue from taxes by adding to the assessed value of property?—A. Yes, sir.

Q. How does the travel on that road compare with the travel on the other road leading into the city?—A. When that road is in repair, the travel is more than on any other road.

Q. Is it more traveled than Fourteenth street?—A. Yes, twice as much when the toll-gate is off.

Q. Is it more or less valuable to the District than any other road?—A. It is the most valuable of any road in the District.

By Mr. ELDRIDGE:

Q. Who were the principal projectors of this horse-railroad?—A. Mr. Lewis, and Mr. Clagett, and all the neighbors from Boundary street to Silver Springs.

By Mr. CHANDLER:

Q. The appropriation of \$500,000 for improvements in the District, after the injunction was made on the 11th of August—do you recollect whether you commenced work right after that?—A. We commenced on the 16th of August.

Q. And your object in crowding the work in November, and in the first part of December, was to get the road as nearly completed as possible before the winter?—A. Certainly, that is what we wanted.

By the CHAIRMAN:

Q. Did all these men work with advantage?—A. Yes, sir.

Q. Were any more employed than were needed?—A. No, sir, not any more.

By Mr. ELDRIDGE:

Q. How did the wages paid to them compare with the wages paid by others?—A. We gave the colored men \$1 50 a day, and we gave \$2 a day for a horse, cart, and driver. In the city, I think they gave \$3 for a horse, cart, and driver. We gave the working men \$1 50 a day, the same as was paid in the city. We divided our men into gangs of twenty or thirty. We put a colored man or a white man over each gang, and gave him half a dollar a day extra.

Q. Was there a strike among the laborers last fall?—A. There was a strike here in the city, but that was before we began work.

Q. What was the price they demanded at that time?—A. Two dollars a day and eight hours' work.

Q. How was that compromised?—A. I believe the strike ran out; there was no compromise made. The working men went back to the \$1 50 a day, two or three at a time.

By Mr. CHANDLER:

Q. The board of public works did not yield to that demand?—A. No, sir; we talked it over among ourselves that we would have to stop work if it came to that.

By Mr. ELDRIDGE:

Q. You said that some one told these men that they must vote the ticket without scratching it; was that given as a command to them?—A. Mr. Voorhees marched down in front of them and went among them, and said, "Now, not a man must scratch a ticket; you must all vote for the \$4,000,000 loan."

Q. Did he give it as a command?—A. Yes, I considered it a command. He acted like a captain of a company. I know that I tried to break up some of the arrangement, but could not.

Q. Was he put in by the board of public works?—A. I think he was.

Q. What do you mean by saying that you tried to break it up?—A. He was for one man and I was for another.

Q. Did you go for the white man?—A. Yes; and he went for the black man, and he beat me. The voters were mostly all colored men, except one or two. Voorhees had been a schoolmaster over on the Eastern Branch.

By Mr. CHANDLER:

Q. Was any man discharged from work on account of his vote either way?—A. No, sir.

By the CHAIRMAN:

Q. Did Voorhees use any more earnestness than you used on the other side?—A. Yes, he used a good deal more.

By Mr. CHIPMAN:

Q. Which of these candidates was regarded as more particularly in sympathy with the board of public works?—A. They were both that way.

Q. Where did you get your cue in selecting a candidate?—A. Mr. Hall was a friend of mine, and got me appointed superintendent of the road.

By Mr. CREBS:

Q. You said that that road is not yet completed?—A. No, sir.

Q. What proportion of the work is done?—A. About three-fourths, I think.

Q. Are you still at work there?—A. No, sir; we stopped on the 23d of December. There are a few men piling stone, and there is one man taking care of the tools, &c.

By Mr. ROOSEVELT:

Q. Are these sidewalks such as are ordinarily laid on country roads?—A. They are about six feet wide, with gravel on the top. I believe it is the intention to set out trees there some time or other.

WASHINGTON, February 3, 1872.

BENJAMIN D. CARPENTER sworn and examined.

To Mr. CULVER. I am county engineer of roads and bridges. I made the survey of the Seventh street road.

Question. When you made that survey had you any reference to the contemplated railroad that was to pass over it?—A. None whatever. I had no reference to any railroad. It was desired by many in the city, and also in the country, to have a first-

class road, a leading, important thoroughfare, connecting Maryland with the city, and this, being one of the important roads, was selected as one to be improved.

Q. Under whose general supervision was this road placed?—A. It was in my charge; all the roads in the county were.

By Mr. CRANE:

Q. What was your estimate of the cost of the construction of this road?—A. I never made an estimate.

Q. Not for the board of public works?—A. No, sir.

Q. You saw their estimate?—A. I saw it printed in the schedule.

Q. Did you think it correct?—A. No, sir.

Q. Did you tell them so?—A. I did; I called attention to it, and they said it was a misprint.

Q. What was the amount intended to be?—A. Twenty-five thousand dollars, as they told me.

Q. Did you think that that sum was correct?—A. That would not do the work that was intended to be done, in the manner in which we were doing it.

Q. Did the board ask you to submit an estimate for constructing that road before they submitted this schedule to the legislature?—A. No, sir; I never knew exactly what amount of work was intended to be done on the road. I was asked in reference to one bridge.

Q. And the board of public works made this schedule without consulting the engineer?—A. I understood at the time that Mr. Forsyth, the first assistant engineer, made the estimates.

Q. Did Mr. Forsyth consult you in reference to it?—A. No, sir.

Q. What was your idea of the cost of the road when you commenced it?—A. I thought the road might be built for \$120,000 or \$125,000.

Q. Did you state that to the board of public works?—A. I think I told them so verbally in conversation, or I may have told it to outside parties. Most likely I did.

Q. What is the width of the carriage-way?—A. The macadamized portion is 16 feet wide, and then there is to be 15 feet of gravel on each side, making 46 feet clear of the gutter.

Q. What is the width of the road between the embankments?—A. Sixty-six feet.

Q. Who furnished the stone for the road?—A. The stone has been furnished by eight or ten different parties. Most of the stone has been furnished by Mr. Lewis, and Mr. Hall, and Mr. A. P. Brown.

Q. Did you condemn any of it?—A. I rejected some stone delivered by Mr. Lewis and Mr. Hall.

Q. Did you reject any of Mr. Brown's?—A. Very little.

By Mr. CHANDLER:

Q. You made the report which has been read here this morning?—A. Yes, sir.

Q. You did submit to the board of public works an estimate of the quantity of grading required?—A. Yes, sir.

Q. But you made no estimate of prices?—A. No, sir.

Q. This table shows the amount expended on all the roads in the county?—A. Yes, sir.

Q. Give the totals to the committee.—A. In the first delegate district there are twenty-one roads, and the total expenditure upon them for labor and materials is about \$35,000. In the second delegate district, which includes Seventh street, there are twenty-four roads, improved at a total expenditure of about \$84,000.

By Mr. CULVER:

Q. To what extent are those roads completed?—A. A large share of the roads mentioned in this report were merely repaired. There were only two roads on which much work was done. The road leading from the Rockville and Georgetown turnpike to what is known as the Columbia road is nearly graded. I suppose that seven-eighths of the work on that road is done. In the first district the work is nearly all completed up to the time mentioned in the report.

Q. What as to the improvements on Sixteenth street?—A. That is done by contract; it is no part of my business.

By Mr. ROOSEVELT:

Q. How much of the stone did Mr. Brown furnish?—A. Mr. Brown's is McAdam's stone; about 3,000 cubic yards.

Q. How much is it worth per cubic yard?—A. Two dollars and a half, delivered.

Q. You say that you estimate the cost of the road at \$125,000?—A. It is merely an approximate estimate, not based upon any calculations.

Q. But you think it will cost fully that?—A. I presume so, with the plans which the

board of public works contemplate carrying out. They desire to have one or more first-class roads leading into Washington from the adjacent country.

By Mr. CULVER :

Q. Do you think it necessary to lay down sidewalks out to the District line in order to make that road a first-class road?—A. I think it very important on any of these roads to have gutters to carry off the surface-water; and if you put gutters down the sidewalks are necessary to support the gutters and keep them from being washed away.

By Mr. ROOSEVELT :

Q. Is the road to be curbed the entire distance?—A. No, sir; there is no curbing used; they are paved gutters. Heretofore the embankments have been washed away.

By Mr. ELDRIDGE :

Q. What are the sidewalks?—A. Earth covered with gravel about 6 inches.

Q. Gravel that is found along the line of the road?—A. Yes, sir.

Q. Is the plan of this road and the mode of construction, as contemplated and carried out so far, an extravagant one?—A. I think not, when you take into consideration that this is the National Capital, and that the District of Columbia and the National Capital should be well improved.

Q. Could that road have been built economically and wisely, in your judgment, so as to make it a safe and substantial road, for less than it has and will probably cost?—A. Not for the amount of travel which that road is expected to accommodate.

Q. Do you know of any speculation made out of the building of any of the roads under your charge by any member of the city government?—A. None whatever. Mr. Brown objected to his son delivering any material for the road because he was a member of the board.

Q. Has any stone that has been furnished under your charge been the Seneca sand-stone?—A. No, sir; it is mostly what is called blue-stone. The stone delivered at Brightwood is all quartz.

Q. How old is this young man Brown who furnished the stone?—A. I should judge he is about twenty-five years old.

Q. Is he living with his father?—A. No, sir.

Q. Is the stone furnished from his father's quarry?—A. No, sir.

Q. Has he a quarry of his own?—A. He leases a quarry on Rock Creek.

Q. Has the stone that has been furnished by him been furnished at fair prices?—A. Yes; they are fair prices.

Q. Could the necessary and proper stone for that work have been procured for a less sum than has been paid for it?—A. I think it might in some instances, perhaps, but at the present time it is the lowest possible price that it could be delivered for. There is a large demand for stone, and I think that the prices paid were fair prices at the time the stone was furnished.

Q. Was there any competition among parties for the furnishing of this stone?—A. Mr. Shepherd directed me to get stone from whoever I could; no matter, he said, if it was from my bitterest enemy. He was anxious that the stone should be delivered rapidly. Young Mr. Brown was awarded the first section, about one and three-eighths miles; that is the portion between Boundary street and the first toll-gate. Mr. B. I. Schwartz was awarded at the same time the second section, but he failed to deliver stone rapidly, and then Messrs. Hall & Lewis were told to commence delivering at the lower end.

Q. Was this Seventh street road constructed in any manner with reference to a horse-railroad on it?—A. None whatever, to my knowledge. I think that the people have taken advantage of the grading of the road as a favorable opportunity for putting down a track, and have succeeded in getting a charter. I know that the country people are very anxious—out to the boundary line of the District—that there should be a horse-railroad. I know several parties who had been contemplating selling their property on account of the inconvenience of getting into the city to transact their business, and who say now that they will not sell, but will stay in expectation of the railroad being built.

Q. Do you know of Mr. Shepherd exerting any influence to have that road graded in any particular manner?—A. No, sir. I suggested the grade, without consulting any member of the board, at the time the grade was put in profile. A committee, consisting of Mr. Brown, Mr. Shepherd, Colonel Magruder, and myself, rode over a portion of the road and adopted the grade.

Q. Is the grade the best you could have devised?—A. No, sir. I could make a better grade, but a more expensive one. I judged the grade adopted to be the best grade for practical purposes without incurring too great an expense.

By Mr. CHIPMAN :

Q. How do the property-owners feel in reference to the improvement; do they oppose

it?—A. I hear of two or three who are complaining. The mass of the property-owners are in favor of it.

By Mr. ROOSEVELT:

Q. What is the pay of a superintendent?—A. Those whom we employ, and who were required to use a horse and buggy, receive \$3 50 a day; those who do not use a horse and buggy receive \$3.

By Mr. ELDRIDGE:

Q. Are you a practical engineer?—A. I studied for that thirty years ago, but I never practiced it until some years back. I have paid most attention to land-surveying.

By Mr. CRANE:

Q. How far do you reside from the terminus of the road?—A. I reside immediately west of Brightwood; about two miles from the District line.

Q. Is there any mistake made in the grade as to the meeting of the northern and southern sections?—A. No, sir.

Q. Was there not some difficulty in making the two sections join?—A. No, sir; there are no two sections to be joined.

Q. Will there not be?—A. No, sir. The line of the road is irregular. It has several angles in it between Boundary street and the District line. It is not one straight line of road, and never was. The line of the road breaks four or five times in the District—five miles. The last or third section is nearer straight than any other portion of the road.

By the CHAIRMAN:

Q. The road, as now constructed, follows substantially the old line of the road?—A. Yes, sir.

By Mr. CHANDLER:

Q. You have been county surveyor for a number of years?—A. For the last seven years.

Q. You are very familiar with the Seventh street road?—A. I am familiar with all the roads in the county.

Q. Until the abolition of the turnpike going out Seventh street, you went up the hill by the Howard University and struck the turnpike-gate a little on?—A. Yes; about one and three-eighths miles from the city.

Q. There had been a road-way opened from Fourteenth street to go to Soldier's Home, and evade the turnpike?—A. Yes.

Q. Where does it meet the next toll-gate?—A. Beyond Fort Stevens, a little this side from the District line.

Q. There another road had been cut across to the turnpike?—A. Yes.

Q. And a little way beyond that you come to Silver Springs and the Metropolitan Railroad?—A. Yes.

Q. Going from there toward Maryland, how far is the next toll-gate?—A. About three-quarters of a mile.

Q. All the toll-gates within the District are abolished?—A. Yes, sir.

Q. How about the first toll-gate in Maryland?—A. That is not abolished.

Q. Is there a macadamized road there?—A. Yes, a tract for eighteen miles is macadamized.

Q. Is that a pretty good road?—A. It is an excellent road.

Q. The road from the District line to Maryland, how has it compared with the condition of the Seventh street road during the last six or seven years?—A. It was always much better. I have often seen farmers coming in from Maryland, fifteen or eighteen miles, who would bring extra horses with them to put on the wagons after they left that road, and to get their loads into this city.

Q. What will be the effect on travel on the Seventh street road by the construction of that road-way, and by the abolition of the toll-gates; will it bring the travel back from Fourteenth street to Seventh street?—A. Yes, sir; and farmers will bring the same amount of produce with less draught of horses. I mean that where they formerly required six horses they will now require but four.

Q. Give the committee some general idea of the amount of county produce brought in by that road?—A. I cannot well do so, for I have no statistics, but it is a very large portion of all the produce brought into Washington.

By Mr. ELDRIDGE:

Q. What number of teams, on a rough estimate, are there each day on that road?—A. On market days there are more than on other days. I frequently meet from thirty to forty wagons on the road and I do not know how many carriages from the city. It is a very popular drive from the city around by the Soldiers' Home.

Q. Can you give any idea of the number of teams that there are plying on that road

daily?—A. I suppose more than seventy-five or one hundred daily, as an average. I never have attempted to inform myself as to that particular point, but I know that I have very often met from eight to ten wagons together.

By Mr. CHANDLER :

Q. State the condition of the Seventh street road prior to the repairs, and whether or not you have known teams to be mired there.—A. It has been very bad during the winter ever since I knew the road. In 1869 it was impassable at one time, and the toll-gate was thrown open for the time. Sometimes persons on horseback were obliged to dismount and help their horses out of the mire; on one hill in particular there was something of a quicksand, and wagons would get in up to the axle-trees, and the people would have to take their horses off and leave their wagons.

Q. What was the depth of the ravines on each side of the road then?—A. From 4 to 6 and 7 feet; they were washed by the surface-water from the road coming down the hill-side.

Q. The work which you have done in the county, has it been done economically?—A. Yes, sir; that was our instruction and our intention, to prosecute the work vigorously and with as much economy as possible. Mr. Shepherd directed me, in purchasing materials, to purchase as closely as though I was buying for myself.

Q. And all the money has been usefully and economically expended?—A. Yes, sir; as far as has come to my knowledge.

By Mr. CULVER :

Q. Has not the laying of the railroad track on Seventh street a tendency to obstruct the carriage-way on that road?—A. Just as much as it would in the streets of the city, I suppose.

Q. Will it not necessitate additional improvement?—A. I think not.

Mr. CHIPMAN remarked that there was no allegation as to the action of the legislature in chartering the railroads.

Mr. CULVER stated that the object was to investigate the executive department of the government as well as the legislative department.

Mr. ROOSEVELT, (to Mr. CULVER :)

Q. Is there any allegation that any member of the board of public works is interested in this railroad company?—A. There is no allegation of that character made, but intimations of that kind have been thrown out, and we desire to investigate, as far as we are allowed, the legislative department of the government as well as the board of public works.

Mr. ELDRIDGE. Do you think that the legislature was bribed to pass the incorporation act?

Mr. CULVER. That is not a question for me to answer.

Mr. ELDRIDGE. What do you seek to prove?

Mr. CULVER. We simply seek to arrive at the fact that the establishment of this railroad on Seventh street will, to a certain extent, obstruct the improvements that have been made there, with a view to ingress and egress to the city.

Mr. CHIPMAN. And from that fact what is to be your conclusion?

Mr. CULVER. That it will increase the cost of the improvements there.

The CHAIRMAN. As one member of the committee I shall be in favor (if Mr. Culver says that the board of public works was corruptly influenced) to have that question investigated at the proper time, but I do not think that this is the time and place to enter upon that question.

Mr. ROOSEVELT. It is pertinent to show that the board of public works is interested in the railroad, but I have not seen the slightest tendency in that direction in the proof.

Mr. CHANDLER. I do not object to that. I have no doubt that every member of the board of public works believes that the railroad there would be a useful improvement.

Mr. ELDRIDGE. I suppose that every member of this committee can understand the fact that a railroad track would have the tendency to impede carriage travel, and it seems unnecessary to prove the fact. (To Mr. Culver.) Do you expect to be able to prove that any member of the city government has any interest in the railroad, other than what every citizen has?

Mr. CULVER. I know nothing about it, but that thing has been intimated to us. We do not know positively that such a thing exists, but such complaints have been made, and the only way we have of getting at the truth is to bring it on in this way.

Mr. ELDRIDGE. Does the question which you ask tend to show any such fact?

Mr. CULVER. Not at all; it simply goes to show that by laying the railroad the road-bed, as contemplated as an improvement, will be obstructed, and that, necessarily, additional expense will be incurred in order that carriages may have free ingress and egress to the city.

The WITNESS. I have no idea that the board of public works will allow the railroad track to be put in the center of that road.

By Mr. CHANDLER :

Q. Where will it be put?—A. I don't know. I should select the line adjoining the gutter.

Q. Would it not cost more to dig up the macadamized portion of the road and lay the track in it, than it would to lay the track at the side of the road?—A. Yes, sir.

By Mr. CREBS :

Q. I see by your written statement in the list of expenses that you fix the amount which you have expended up to this time at \$67,000, and that in your letter to Mr. Chandler you stated that \$74,000 has been expended?—A. That last sum includes materials; the \$67,000 is for labor alone, I think.

By Mr. ROOSEVELT :

Q. Then this does not show the total cost of the improvement, but merely the cost of the labor?—A. It shows also some \$8,000 for materials.

By Mr. CREBS :

Q. You stated some time ago that you could have made a better grade, but that would cost a larger amount of money.—A. Yes.

Q. In what way would it involve a larger expenditure?—A. By a greater excavation of the hills.

Q. I see by your letter this morning that you say there is no place where the grade is greater than 4 feet to the hundred.—A. That is so.

Q. Would taking out that small quantity make a very great difference in the expense?—Yes; it would be the difficulty in the hauling; it would be necessary to haul the earth further.

WASHINGTON, D. C., *February 3, 1872.*

JOSEPH C. FOSTER sworn and examined.

By Mr. CRANE :

Question. What is your position, and where do you reside?—Answer. I am a clerk in the Agricultural Department; I reside on Sixth street, in this city.

Q. State what you know in relation to the Seventh street road.—A. I know very little about it. In my walks I have sometimes passed over it when the weather was good, and, as I take an interest in such works, I have looked at it a little. I have very little knowledge on the subject beside what I have obtained in that way.

Q. State your opinion in reference to the economy of the work; whether such an expenditure, in your opinion, is justifiable?

Mr. CHANDLER suggested that the opinion of a person who was not an expert nor a property-holder was not the kind of evidence which the committee had a right to expect from the memorialists.

Mr. CRANE stated that he wished to give the opinion of a disinterested party.

WITNESS, (to Mr. ELDRIDGE.) I am not a professional engineer. I have done a little in that line. I can only say, so far as I could judge from walking over the road, that if the earth had been taken from the center and carried to the outside, it would not have been necessary to fill for such an immense distance. I observed that the road was graded up to the highest point at the Schuetzen Park gate, and it required a great deal of filling up to that point. The road was a little higher there than anywhere else, and in order to make the road level with that point, it required the hauling of a great deal of earth a long distance. I observed, too, that the gutters were laid before the ground had settled, and they are quite uneven now, and require to be relaid, if the water is to be properly carried off.

Q. In your judgment, would not the road have answered for all purposes of public travel at one-quarter the expense that has been incurred?—A. For ordinary purposes of travel, I thought that it was made a good deal broader than it need to have been made.

Q. Did you notice any irregularity in the line of the road?—A. On the second hill beyond the toll-gate, as I stood looking south down the line of the macadamized portion, I saw that it was diagonal to the northern line, and it seemed to me as if the two lines would not meet. I afterward looked at it again. There is an angle in the road at the northern line, and that angle produced would not strike the northern end of the line, nor would the northern line produced strike the southern line. To make certain of that, I stood in the angle of the road and put up two stakes on the line so as to be certain that my eye did not deceive me. (A diagram of the road was here shown to witness.) I went and made the second examination after I saw that diagram.

Q. Does that diagram represent what you saw?—A. It represents it perfectly, except that these ends are about 200 feet apart.

By Mr. ELDRIDGE:

Q. You mean that to make those roads join would necessitate a curve?—A. It necessitated two curves, whereas there should be but one if the road was properly laid.

By Mr. CHIPMAN:

Q. Is not the original road-bed in that way?—A. It does not appear to be so.

By Mr. ROOSEVELT:

Q. Are those roads connected now?—A. I do not know how they are now; I saw them in the fall and they were not connected then; they were 200 feet apart.

Q. How do they get from one to another in traveling?—A. They did not travel the road then.

By Mr. ELDRIDGE:

Q. Why is it that these two points cannot be brought together?—A. They can be, but it makes two curves.

By Mr. CHANDLER:

Q. Are you an engineer?—A. I am not a professional engineer; in fact I am not an engineer in any sense. I have done that kind of work somewhat.

Q. Where is this place that you speak of?—A. The first considerable elevation is at Mr. Sunny's house.

Q. Have you seen the road since it was finished?—A. No, sir.

Q. When did you see it?—A. In November last.

Q. Did you furnish the statement for the article that appeared in the paper on the subject?—A. Yes; I spoke of it to several gentlemen, and the newspaper article was made up from what I said.

By Mr. CHIPMAN:

Q. What would be the cost of making that curve as it must have been made according to your idea; I mean, what would be the difference between that cost and what you think should have been the cost?—A. I do not know. It would necessitate a little change in the road. I do not suppose the cost would have been very great.

Q. Would it be enormous?—A. No more than \$25 or \$30, perhaps.

By Mr. POLAND:

Q. With that width of road would it make such a curve as to make it inconvenient to travel on the road?—A. Not at all. There was a cut at that point, and the ground was high on each side.

By Mr. CHIPMAN:

Q. Then wagons could not run off?—A. No; there was no danger to travel.

By Mr. CREBS:

Q. You say that the grade was raised to the highest point?—A. Yes; between the old turnpike gate and Boundary street.

Q. Instead of cutting and filling, they merely filled up to the highest point?—A. Yes.

Q. What would have been the difference in cost between cutting and filling, and grading up to the highest point?—A. I cannot tell.

By Mr. ROOSEVELT:

Q. Does this improvement follow the old road?—A. Yes.

Q. Then there was the same curve in the old road?—A. I do not think it follows the line of the old road precisely; if it did, there would not have been that disagreement between the two parts.

Q. You think that they have run the new road off the old one entirely?—A. No, sir; the macadamized portion was intended to be in the center of the road, but they got a portion of it off the center of the road.

By Mr. ELDRIDGE:

Q. Do you know where the center of the road is?—A. No, sir; I am sure I do not.

Mr. CARPENTER was recalled and asked to state what the blunder was to which Mr. Foster referred.

Mr. CARPENTER. If I understand the gentleman right, there was on the hill he speaks of a large quantity of old macadamized stone which Mr. Shepherd had instructed me to preserve, and, whenever we had a portion graded, to put it on, and otherwise to put it on each side of the road. We put some of the macadam stone on

the northern part and some on the southern part, and there is not sufficient stone yet to connect the two points. When they are connected they will be perfect.

Q. At an angle?—A. Yes; the same angle as the old road. I preserved the line of the old road; if not, I should have trespassed on private property.

Q. Has the macadamizing taken such a direction as Mr. Foster speaks of?—A. No, sir; it is on the center line of the road. There is a straight line from Mr. Sunny's hill to that hill.

By Mr. ELDRIDGE:

Q. How many angles will you make there?—A. Only one. We shall not have an oblique angle nor an acute angle.

By Mr. CHANDLER:

Q. It will not enlarge the road?—A. No, sir; it is the same road line as it used to be.

Q. No one will run off the road?—A. No; the banks are six feet high.

WASHINGTON, D. C., *February 3, 1872.*

BENJAMIN SUNNY affirmed and examined.

To Mr. CRANE. I reside on the second eminence north from Boundary street. I have resided there for the last seventeen or eighteen years. I have known the Seventh street road all that time, and have used it a great deal every day. It was my general means of getting into the city.

Question. What is your opinion in relation to the expense of improving that road; whether it is judicious or not?—Answer. I do not know that I am a proper judge of such work; it seems to me that the expense is pretty high necessarily. For the present, no doubt, a less expense would do; but regarded as a work for the future, perhaps it is not exorbitant.

Q. Were you not in favor of the improvement?—A. Yes; I never opposed it.

Q. Were you in favor of incurring an expenditure of \$125,000 for it?—A. That is rather higher than I had anticipated when the improvement was contemplated.

Q. Do you think that such an outlay was necessary to meet the wants of travel?—A. It would not necessarily require so much, I think. The interests of the present generation would not require such an outlay; but, looking to the future, it might, perhaps, be required.

Q. Have you observed the manner in which the work has been done?—A. I was working myself on the road, and have had occasion to see the progress of the work daily.

Q. Do you think the work is done in a thorough manner?—A. Yes; it is done thoroughly.

Q. What do you think of the stone on the road?—A. Some of the stone on the road in front of my place is rather inferior.

Q. Have you made objections to it?—A. Yes, repeatedly. Some of the stone that is broken up, and some that is not broken up, is of inferior quality.

Q. Did you request to have the stone taken away?—A. I should think that some of the stone there is not fit to go on the road. It is so soft that it can easily be crushed under a man's foot.

Q. What is the nearest road to Brightwood from the city?—A. Seventh street is to this portion of the city, and Fourteenth street is nearer to the western portion of the city.

Q. Is that regarded as the nearest road?—A. Yes, for the main portion of the city. For years back people have avoided the Seventh street road on account of the tolls, and of the bad condition of the road. Other roads have been sought in preference to it, but I think that if the Seventh street road was in as good condition as other roads, it would have been traveled a great deal more than it was.

Q. Did you notice the number of men who were employed on the Seventh street road, just before the election?—A. I could not form any idea of the number, but there were quite a good many. There were a great many horses and carts employed; many of the horses were very inferior, and some of the men were old, disabled men, who appeared to me as if they could not perform a full day's work. Then there were a good many young, able-bodied men, who did not feel inclined to work.

Q. Did you hear anything said about a large number of men having been employed in order to secure their votes for the four million loan?—A. I do not think I did; I very often made objection to the manner in which the work was done, on account of its being necessarily expensive. These poor horses could not haul heavy loads. I was employed a while on the road, and I know that some foremen would allow men to go to the store to get a bottle of liquor, or something, over which they would seem to feel

jolly, and when they came back the foreman would get some of it. I have often seen when these poor horses could not draw their loads that a number of men would have to help them out. That was not a very economical way of doing the work.

WASHINGTON, D. C., *February 3, 1872.*

JOHN M. BUTLER sworn and examined.

To Mr. CRANE. I reside at No. 1720 Vermont avenue, in this city; I am a clerk for Austin P. Brown.

Question. Do you know anything in regard to the quantity of stone which Mr. Brown has delivered to the Seventh street road?—Answer. Yes, sir; he has already delivered 1,400 perches; other stone has been delivered which has not been measured—perhaps about 3,000 perches in all.

Q. How long have you been in Mr. Brown's employment?—A. Eight months.

Q. Is young Mr. Brown the successor of his father in business?—A. Yes; I suppose the firm was dissolved in February last, and he is doing business by himself now.

Q. They formerly owned together this quarry from which the stone was obtained; it originally belonged to S. P. Brown?—A. The quarry which they quarried from does not belong to either of them; it is rented. I believe old Mr. Brown has been in business with the young man in taking stone from that quarry.

Q. Have you stated to any one recently the cost of the Seventh street work?—A. Nothing definite. Our office happens to be in a very central place, and I may have stated what I have heard.

Q. Did you not state within the last week, from the bills which came through your hands, that the work had already cost \$110,000, and that it would cost nearly as much more to complete it?—A. No, sir; I do not recollect saying that. I may have said something about its having cost more than the estimate.

By Mr. ROOSEVELT:

Q. Have any bills passed through your hands at all?—A. No, sir; nothing but bills for stone.

Q. Have you seen any bills for the work generally?—A. No, sir; I am not in a position to know anything about the board of public works. I am working for A. P. Brown.

By Mr. CREBS:

Q. Did you hear any member of the board of public works say what the work had cost?—A. No, sir; I did not.

By Mr. ELDRIDGE:

Q. Do you know whether S. P. Browne has any interest in the stone furnished on that road?—A. Yes, sir; I know that he has not.

Q. Do you know of any member of the board of public works, or employé of the city government, who has any interest in it?—A. No, sir.

By Mr. ROOSEVELT:

Q. Do you know the terms of the dissolution of partnership between the father and son?—A. No, sir.

Q. Then, you do not know whether or not the father is interested in the business?—A. The bills are made out in the name of A. P. Brown. The quarry is rented in the name of A. P. Brown, and A. P. Brown receives the money for the stone.

By Mr. CHIPMAN:

Q. Who pays the laborers?—A. A. P. Brown.

By Mr. ELDRIDGE:

Q. Whose teams draw the stone?—A. They are teams which come from the county and which merely ply at so much a day.

By Mr. ROOSEVELT:

Q. Do you have access to the books of A. P. Brown?—A. Yes, sir; often to the journal and blotter. I am not the book-keeper. The books are kept in the name of A. P. Brown. So far as the partnership matter is concerned, I do not know much about it.

Q. Do you know from those books what disposition is made of the money received?—A. The books show that A. P. Brown receives all the money, and I can state for certain that he does.

By Mr. ELDRIDGE:

Q. Are the father and son in partnership in any other business at this time?—A. I do

not know, for certain. There were some old Navy contracts which have not been closed, or were not closed up to February last, but I do not know anything about them.

Q. Have you seen Mr. S. P. Brown taking any part in the making of contracts with teams or doing any part of the business connected with this stone?—A. No, sir; he has not anything whatever to do with it.

WASHINGTON, D. C., *February 3, 1872.*

JOSEPH WILLIAMS sworn and examined.

By Mr. CRANE:

Question. What is your business?—Answer. I am a contractor.

Q. State the contracts you have?—A. I have a contract for building the fourth district school-house, and I have a contract for arching Tiber Creek.

Q. State the points on Tiber Creek between which your contract extends?—A. My contract extends between the south side of the Botanical Garden, where it strikes the canal, to the south side of Maryland avenue, and from the north side of Pennsylvania avenue to the south side of New Jersey avenue.

Q. Have you a copy of the contract?—A. No, sir; I was not required to bring it.

Q. State the price per linear foot which you receive?—A. One hundred and two dollars and fifty cents per linear foot.

Q. Was that the price at which the work was awarded to you?—A. No, sir; the work was awarded at \$75 per linear foot between the points named. After the work was commenced the engineer decided that the walls were too light, and that they must be heavier, and he gave me a written order to alter the walls, which order I still have.

Q. Did you bid for the work from Maryland avenue to New Jersey avenue?—A. No, sir; but they were very glad to have an opportunity to give me the work at the price they did.

Q. Did they award the whole of it to you at the time?—A. No, sir; I think about three weeks afterward.

Q. When was your contract written?—A. It was finally written about six days since—altered and fixed up.

Q. Then you had no contract till about six days since?—A. No, sir, nothing but the original bid. I made out figures myself, in proportion to the alterations, simply for the increase of the materials, and I presented the new calculation. It amounted to \$105 per linear foot, and the board acted upon it, and sent me a written statement that they had agreed to make the price \$102 50. I still protest against that price, because the work may be measured, and it will be seen that the increase will amount to \$105 per linear foot.

Q. Do you recollect the price named in the schedule for doing this work?—A. I do not.

Q. Do you recollect its being \$60 a foot, less 20 per cent.?—A. I do not know anything about it. I know that the Government of the United States paid \$187 a foot for similar work at the Botanical Garden, and that it is not within 50 per cent. as good as this work, and the same man who did that, and who had experience of the work, put in his bid at \$225 a foot. I know nothing about the schedule, and I paid no attention to it.

Q. You have read the law of the legislature, which prohibits paying anything more than the amount bid?—A. Yes, I have.

Q. Have you ever read the organic act, which prohibits the board from making any contract except in writing?—A. Yes; but it was the same with works under the old city government, only that it was a good deal worse then than it is now.

Q. You knew at the time that the organic act was being violated by your not having a written contract?—A. I paid no attention whatever to it.

Q. Do you recollect telling any gentleman, since the memorial was sent to Congress, that you had no contract for the work above Pennsylvania avenue?—A. I do not recollect anything of the sort, and I should think it was not so.

Q. Did you state to an officer of the United States, a week ago, that you had no contract?—A. I do not recollect, but I may have done so, as it is within the last six days that the contract was written.

Q. When did you commence the work?—A. Either in the latter part of August or in September.

Q. When did you commence the work above the avenue?—A. About four weeks later than that. The board of public works decided that they would rather have that done first.

Q. Did you not have a written contract for the work below Pennsylvania avenue before six days ago?—A. No; not to my knowledge. I left the signing of the contract and the fixing up of the price entirely to my partner; all that I was doing was prosecuting the mechanical part of the work.

Q. Are you doing that work at this time?—A. Yes; whenever we have an opportunity we are doing it.

Q. Do you think that this is a good time to do masonry work?—A. Not as a general rule; but I think that in the fall, or spring, or winter, whenever you can lay brick you may do so. It is right there now, especially when we are not subject to many floods.

Q. What particular motive had you for having the contract written last week?—A. Because I have been trying to get the contract up and the price decided ever since I struck the first lick on the work.

Q. You went to work without knowing the price?—A. I knew it was to be in proportion to the alteration made, because my bid said so.

Q. I notice that the work was awarded to you at \$75 a foot, some time in August.—A. It was probably three weeks after that before the work was commenced.

Q. This work above the avenue was never advertised?—A. No, sir.

Q. What made you leave off the work below the avenue?—A. I stated that once. It was because they said that they wanted the principal portion done first. That principal portion has been an unmitigated nuisance there for years.

Q. Do you know anything about a sewer that enters into the creek at that point?—A. There is a sewer which will enter there when it is constructed.

Q. Is that sewer under the bed of the Tiber?—A. No, sir; the bottom of the sewer is 9 inches above the bed of the Tiber.

By Mr. ELDRIDGE:

Q. How many bidders were there for this work?—A. Twenty or thirty, I believe.

Q. Were you the lowest bidder?—A. I was the lowest bidder by about \$10.

Q. Was your bid in writing?—A. Yes.

Q. Where is the bid?—A. It is deposited with the board of public works, along with the bonds and papers and everything pertaining to it.

Q. Your bid was on a published invitation for bids?—A. Yes.

Q. Did your bid include a proposition or promise for the board of public works to change the form of work?—A. Yes; and I had afterward a formal agreement with the engineer that if he saw the work was not sufficiently strong he might alter it. He said that the specifications and drawings were made by somebody who had preceded him, and we decided that if he had to make any alterations to strengthen the work the increased price should be in proportion.

Q. Your bid was accepted by the board?—A. Yes.

Q. Was that acceptance in writing?—A. Yes.

Q. Did you not consider that that was a contract?—A. Yes, sir; and I would go to work to do any work with that much of a contract.

Q. What did the \$75 a foot include—what were you to do for that?—A. It included the construction of a sewer, which was to correspond with a sewer on the north side of Third street as it enters the canal.

Q. Was it so specified?—A. Yes, sir. I went and examined that work, but I could not do anything with it, because that is much worse work than my mechanism would allow me to do.

Q. What changes were made?—A. The brick wall was increased from 18 inches to 21 inches, and the stone wall from 3½ feet to 6 feet, necessarily increasing the width of the flooring and of the beams, &c.

Q. How many linear feet did you bid for at \$75?—A. Six hundred and ten feet, as well as I remember.

Q. Where did that lie?—A. All south of the Botanical Garden. Up to this time I have completed 370 feet, which stands me in \$157 50 a foot.

Q. You say that the portion of the work which you have done north of Pennsylvania avenue was not advertised?—A. No, sir; it was not in the advertisement.

Q. How did you get that contract?—A. By the board of public works authorizing it. I said this to them: "Gentlemen, if we are the lowest bidder, you will give us, of course, the other part of the work at the same figure," and after we got started at the lower work, they said that all the other bids were so much above us that we could go on with the other part of the work, if we chose to take it at the same figures.

Q. Was that part of the work equally expensive with the work below the avenue?—A. A part of it was more so; we have had more difficulty with the water on the upper side than we had on the lower side.

Q. Taking it all together, was it worth as much to build?—A. It is, considering the increase of materials, the arch being 2½ feet higher on the upper side than on the lower side.

Q. Who is your partner?—A. Mr. Bartlett.

Q. Has any member of the board of public works, or of the city government, any interest in this contract or bid of yours?—A. No, sir, and could not have in any contract that I am in.

Q. Is there any understanding, implied or otherwise, that you are to give, out of the moneys which are to be paid or which have been paid to you, any portion to any one

connected with the city government?—A. No, sir; and I regret to have such a question put to me.

Mr. ELDRIDGE. That is charged in the specifications.

WITNESS. There is not a word of truth in it, either directly or indirectly, or in the remotest way.

Q. Did any member of the city government, or of the board of public works, ever apply to you for any interest in any work that you were doing?—A. No, sir, never; and no one ever recommended even that I should purchase from anybody anything that I was purchasing.

Q. Is any member of the board of public works, or of the city government, particularly interested in this improvement. Does it benefit him personally any more than it does benefit the people generally?—A. No, sir, not to my knowledge; there are some gentlemen whose names are on the memorial, and who are benefited by it directly.

Q. Has any member of the board of public works, or any official of the city, property that is to be specially benefited by this work?—A. Not to my knowledge.

Q. Has any member of the board of public works given you any directions, in the doing of this work, which, if followed, would have a tendency to improve his property or his interest?—A. Not at all, sir; in no shape or form. I never knew that any member of the board of public works had any property that was to be affected even by the sewer till I was told so within a week. I was going to purchase a blacksmith-shop on the corner of Second and B streets, and was told that it had been purchased by Mr. Shepherd.

Q. Is Mr. Shepherd a large real estate owner in this city?—A. I am so informed.

Q. He has that reputation?—A. Yes.

Q. What is this blacksmith-shop?—A. Just a temporary wooden shed. The lot runs, I think, 80 feet from Pennsylvania avenue, back to B street.

Q. Is that property so situated as to be largely benefited by the improvement?—A. Proportionately with other property that the work goes through.

Q. It goes through the whole lot, does it?—A. Yes, sir. The gentleman who owned it knew before he sold it that the work was commenced, for he came down one day, and wanted to claim a lot of old second-hand stone which we had taken out.

Q. Who was this person?—A. He is named Ward.

Q. You say that he sold this property after the improvement had begun?—A. So I am informed. I know that he applied for the stone after we had commenced the work.

Q. And the time when he applied for this stone was before you heard that Mr. Shepherd had bought the property?—A. Yes, three months ago. He came to say that the stone was his; that he had put up a wall to protect a part of that very lot. Mr. Purdy has some lots there through which Tiber Creek passes, which were not worth a mill a foot before the work was commenced, but when the sewer is done it will bring that lot to the surface, and make it worth a dollar or a dollar and a half a foot.

Q. Will all the property bordering on Tiber Creek be benefited by the improvement?—A. Yes; and all that section of the city.

Q. Is any portion of the expense assessed on property-holders?—A. I understand that the work is to be assessed as other city improvements, sewers, &c., are—so much upon property bordering on it.

Q. What time was the contract awarded to you?—A. I think it was some time in August; and the other one about four or five, or probably six, weeks afterward.

Q. What time did you understand that Mr. Shepherd made this purchase?—A. I did not understand what time he made it, or whether he has purchased it or not.

Q. Do you know any other member of the board of public works who owns property along there?—A. I do not; but I know that during the time that I was in the city council, Mayor Bowen worked very hard to have Tiber Creek arched.

Q. What did the building of the arch through the Botanic Garden cost?—A. One hundred and eighty-seven dollars a linear foot; and the gentleman who did it said, when I took the contract, that that contract was the last that I would do, for it would swallow up all that I had ever made.

Q. The board of public works differ with you in figuring up the amount that you would be entitled to?—A. Yes, \$2 50 a foot, although I have accepted \$102 50 by a written acceptance.

By Mr. ROOSEVELT:

Q. In your contract, as written out, is there security to the city for the performance of the work?—A. Yes; I have given a bond.

Q. Do you allow the city to retain a portion of the money?—A. Only the amount that is due to us. There is due to us generally from \$15,000 to \$20,000.

Q. Is there any difference between the written contract and the written acceptance of your bid?—A. No, sir.

Q. There is no reservation of any percentage as security?—A. No, sir; this is a new

government, and has not yet got initiated in that way. [Witness correcting himself.] My partner says there is 20 per cent. reserved.

By Mr. ELDRIDGE :

Q. Does the bid reserve 20 per cent. ?—A. As I said before, I shall have to refer you for the specialties to my partner.

Q. I want to know if, in the proposition on which the city advertised for bids, a reservation was made ?—A. I do not recollect that now.

By Mr. CRANE :

Q. I observe that five other parties bid for this work at less than the price which you are now receiving for it ?—A. Yes.

Q. Do you know whether this was tendered to any of them after the first contract was awarded ?—A. I do not know anything about it, and do not want to. I claim that it was put on the same basis as my \$75 bid.

Mr. ELDRIDGE, (to Mr. Crane.) Is there any bid there at less than \$75 ?

Mr. CRANE. No, but there are bids less than \$102 50.

The WITNESS. There is not a man who bid that who would take the balance of the sewer either way at \$150 a foot.

By Mr. CRANE :

Q. Have you ever offered it ?—A. They have all seen me at the work, and not one of them would take it at \$150 a foot.

Q. Has any of them ever told you that ?—A. No ; but I have heard it from other parties.

Q. You state that you consider your bid a contract ?—A. Yes, when it is accepted.

By Mr. CULVER :

Q. Is Mr. Boswell in any way connected with you in your contract ?—A. No, sir ; nor could not be, nor you either.

WASHINGTON, D. C., *February 3, 1872.*

LESTER A. BARTLETT sworn and examined.

To Mr. CRANE. I reside at 1909 L street. I am a contractor ; I am a partner of Mr. Williams.

Question. Are there any other partners with you and Mr. Williams in the contract for the Tiber Creek sewer ?—Answer. No, sir ; I have other partners, but not in that business.

Q. There is no gentleman connected with the Post-Office Department who is connected with the work on the Tiber Creek sewer ?—A. There is no gentleman connected with the Post-Office Department, or with any other Department, in this city, or in any other city, or in this country, or in any other country, interested in any contract with Joseph Williams and Lester A. Bartlett excepting Joseph Williams and Lester A. Bartlett ; and there is no gentleman in the city government or in the board of public works, or any of their clerks, in any ramification, who ever asked to be admitted into the company, or who ever asked us to purchase materials from any company they were interested in, or who ever asked us to employ an acquaintance or friend of theirs.

Q. State the date of your contract for the Tiber sewer ?—A. I cannot ; I only received my subpoena last night after getting home from work, and not knowing what I was to answer to, I am not prepared now to give the date.

Mr. CHANDLER said that he would furnish a copy of the contract.

By Mr. ROOSEVELT :

Q. Was the contract drawn up at the time it was dated ?—A. I have not the least doubt in the world that it was.

By Mr. CULVER :

Q. You do not know when it was drawn up ?—A. I do not know ; I did not see it drawn up.

By Mr. ROOSEVELT :

Q. Did you sign it ?—A. I understand this by a contract : That when the board offers me a certain amount for doing a certain piece of work, and I accept it, that is a contract.

Q. That is not the contract we are speaking of ; we are speaking of the written contract which was finally executed. Did you sign it or did your partner ?—A. The final contract has not been signed, if what I understand by a final contract is what you understand by it. The only contract between the board of public works and Lester A. Bartlett & Co., is this : The board of public works accepted our original bid for \$75

a linear foot, and there was a statement in it that any work in excess of the specification was to be paid for either *pro rata* or by such an amount as should be satisfactory to the board. The exact language I have forgotten. When I put in a bill of the company to draw funds, I charged at the rate of \$105 a foot; that was submitted to the engineer; and I received a letter from the board, stating that they would allow us \$102 50, being \$2 50 less than our estimate; which was accepted by us.

Q. Then there is no formal contract between you; it is only a bid and acceptance?—

A. There is more than the bid and acceptance, because we have put in bills against the city.

Q. Then the bills, the bid, and the acceptance are all the contract?—A. That is all the contract.

By Mr. CHIPMAN:

Q. I understood Mr. Williams to say that the contract was executed six days ago?—

A. He is in error. I have never signed the contract which he thinks I signed. I was asking Mr. Williams about the contract, and he said there was one there for us to sign. I do not know whether there is or not. I accepted that allowance, and stated that we were ready at any time to sign the contract.

By Mr. CRANE:

Q. How much money have you received on the work?—A. Thirty-three thousand dollars.

Q. What is the estimate for the work?—A. It is at the rate of \$102 50 per linear foot, and we have finished up 340 feet.

Q. How much will the whole work on the Tiber amount to?—A. About \$200,000.

Q. You have received \$33,000, and no contract has been signed yet?—A. We have received \$33,000.

Q. You were a clerk in the Post-Office Department?—A. I was formerly a clerk in the city post-office.

Q. When did you leave there?—A. I left there last summer, before I commenced to work as a contractor.

Q. You knew you were to have the contract when you resigned?—A. I did. A month's leave was granted me, and that would lap over to the time I was contractor.

By Mr. CREBS:

Q. Who was the engineer at that time?—A. General Greene was engineer at that time, but the specifications were made out before he was engineer. That \$600,000 which he speaks of as the estimated expense can be accounted for in this way. The lower part of Tiber Creek sewer is 30 feet wide. As you advance up the creek, it diminishes in size, until at last it will be nothing but a two-foot sewer. The estimate which they have made there for \$60 a foot will probably cover it, taking the whole length of the sewer. We are working at the larger part—the lower end.

By Mr. CRANE:

Q. Is there not a fork at the Tiber which will more than offset that?—A. There are three forks in the Tiber.

Q. And this estimate covers the whole?—A. I do not say so; I infer so.

WASHINGTON, D. C., February 3, 1872.

JOHN B. WARD sworn and examined.

By Mr. CRANE:

Question. Where do you reside?—Answer. Thirteen hundred and twenty-four I street.

Q. Do you now own, or have you owned, any property in the vicinity of the Tiber?—

A. Yes; I owned 154 feet on second Street and 54 feet on B street.

Q. Have you sold it?—A. Yes; I sold it to Mr. Shepherd.

Q. What time did you sell it?—A. About the 20th of November.

Q. What did you get for it per foot?—A. I got 85 cents a foot. When the property was examined, the commissioner put it down at 50 cents a foot, and Mr. Shepherd gave me 85 cents, but I sold on long time.

Q. What was the whole amount?—A. Fifty-four hundred dollars odd. He bought a house from my brother-in-law a month or two before that.

Q. Do you recollect that he bought from your brother-in-law about the 9th of June, two days before the improvement bill was passed?—A. I think it was later than that. I know that mine was sold about the 30th of November.

By Mr. POLAND :

Where was that house of your brother-in-law's?—A. The old printing-office at the corner of Pennsylvania avenue and Tiber Creek. I owned a lot back of that building, which was left to me by my father, and it was necessary for Mr. Shepherd to get it.

By Mr. CRANE :

Q. Did he buy another lot from your brother?—A. Yes; he bought the same sized lot from my brother about four or five days afterward.

Q. Do you recollect what Mr. Shepherd paid Mr. Norment, your brother-in-law?—A. Fifty cents a foot—\$10,500.

Q. What is the size of the building?—A. Twenty by eighty feet. The lot is about 31 by 200 feet. The commissioner put the value down at \$9,500, and my brother-in-law sold it for \$10,500.

Q. What do you think that property will be worth when the Tiber is completed?—A. I would not give that for it at any time, if the Tiber and everything else was completed. I thought I knew what I was doing when I was selling mine. I have held property so long in the neighborhood that I have got tired of owning it.

Q. What is the size of the building?—A. The building is of no account at all; the ground is everything. Shepherd paid enough for it.

Q. What is the size of the lot?—A. It is 20 feet front and 60, or 70, or 80 feet deep.

By Mr. ROOSEVELT :

Q. When did Mr. Shepherd first speak to you about buying that property?—A. I did the business through Mr. Hall, a real estate agent here. I had a good deal of property, and he asked me whether I wished to sell it. I gave him this property, with other property to sell, and he made me an offer about fifteen or twenty days before I sold. He gave me 85 cents a foot for my lot, and he gave my brother-in-law 50 cents for his.

Q. Was that after the sewer was commenced?—A. O, yes; long after that.

Adjourned till Monday, 5th of February.

WASHINGTON, D. C., February 5, 1872.

Mr. CHANDLER read to the committee the following paper, handed to him by Mr. Crane, of counsel for the memorialists, and with whom were also associated Messrs. B. E. Green and J. J. Coombs :

"WILLIAM E. CHANDLER, Esq :

"SIR : To conduct intelligently the examination of the District government, we request official papers showing the entire expenses of the government, as provided in section 37 of the organic act, to be made to Congress each year, with items as follows : All written contracts for work ; the cost of work done and ordered for each street and avenue, including the cost of work, when finished, between Seventeenth and Twenty-second streets and south of Pennsylvania avenue as a separate item ; the number of yards and cost of wood and concrete pavement laid and ordered ; cost of arching Tiber Creek ; cost of the canal improvement, including the James Creek Canal, the number of yards excavated and cost per yard of the latter ; the number of District officers, including foremen and inspectors, in the month of November, with salaries and increase of salaries ; the expenses of the legislative and executive departments ; cost of advertising and printing ; expenses of the board of health ; cost of the city military ; cost of the new city hall, the legislative hall, the governor's office, and office of the board of health ; and, finally, the amount of bonds sold, and the price, and if bonds for the second loan have been printed.

"Very respectfully, your obedient servant,

"J. H. CRANE,
"For the Memorialists."

Mr. CRANE put in evidence a copy of a deed from Richard B. Norment and wife to Alexander R. Shepherd, dated June 9, 1871, and received for record June 22, 1871, conveying part of lot No. 4 in square 575, at the corner of Second street and Pennsylvania avenue. The property is described as follows : "Beginning at the southwest corner of said lot and square, and running thence north along the line of Second street west 91 feet 1 inch ; thence east 22 feet 7½ inches ; thence south to Pennsylvania avenue ; thence west 24 feet to the place of beginning, together with all the improvements, &c. The consideration paid is \$10,500."

Mr. CRANE then read and submitted the following communication addressed to the chairman of the committee :

"To the Hon. H. H. Starkweather, Chairman of the Committee on the District of Columbia :

"To save time by directing the attention of the committee to the material points for

investigation, the undersigned, of counsel for the memorialists, begs leave to submit the following :

"The testimony of Messrs. Williams and Bartlett, as to the Tiber Creek arch, on Saturday last, discloses these remarkable facts :

"They commenced work the last of August or early in September, but the contract was not put *in writing* until within '*the last six days*;' that is, since the memorial was presented to the House of Representatives.

"They get pay at the rate of \$102 50 per linear foot, but the work has cost them \$157 per foot, being an actual loss to them of \$54 50 per foot.

"They have completed work to the amount of \$200,000, equal to 1,951 linear feet, at \$102 50, and have only received \$33,000.

"One thousand nine hundred and fifty-one linear feet by \$54 50 shows, therefore, that Williams & Bartlett have lost on the work done since August last \$106,329 50, besides being kept out of \$167,000 due them on the work completed.

"Mr. Bartlett resigned employment in the post-office to take this contract with Mr. Williams, who, in the face of this enormous loss of \$106,329 50, and the withholding of \$167,000 due them on work completed, has been trying ever since August last to have the contract put in writing.

"Mr. Williams testified that 'after the work was commenced, the engineer decided that the walls were too light and must be heavier; the stone walls were increased from 18 to 21 feet, the brick walls from 3½ to 6 feet.'

"The undersigned has since then inspected the work, and measured the thickness of the brick arch, which was found to be 22 inches only. As near as could be ascertained through a covering of snow, the stone walls will not measure more than 7 feet each, making in all 14 feet instead of 21.

"These questions arise :

"Is the work being done according to contract ?

"Is it strong enough to stand the concussion to which it will be subjected ?

"If not, possible loss of life, as well as a great loss of money to the tax-payers, is involved ?

"It is manifest that such questions can only be satisfactorily and properly answered by a board of experts, and that it is a waste of the valuable time of the committee to attempt to get at the truth in any other way. The twelfth, thirteenth, fourteenth, and fifteenth specifications of the memorial all involve similar questions as to grades, kind and cost of material and labor, sewerage, &c., &c., which can only be solved properly through the instrumentality of such a board of experts.

"We therefore ask your honorable committee to appoint a board of five experts, who, under oath, shall examine and report on the grades and sewerage, the different kinds of work begun, the kind and cost of material and labor, the manner in which these works have been and are being done, and all other matters of like nature.

"One of the main grievances complained of in the memorial is, that the board of public works is a close corporation, whose transactions have been kept secret, and that the citizens have had no opportunity of access to its records or official information as to its contents.

"For this reason it is absolutely indispensable to a fair investigation that the board of public works shall be required to furnish the committee the information called for in the annexed schedule, and that the counsel for the memorialists shall have time and opportunity to examine the documents, and prepare the case to be laid before your committee without too much tax on your time.

"We therefore ask that the board of public works be required to furnish, within one week from this date, all the information called for in the annexed schedule, and that the said board of experts, and the counsel for the memorialists have — weeks thereafter; the former to make their report on the matters referred to them, and the latter to present their case.

"Respectfully submitted.

"BEN. E. GREEN,
"Of Counsel for Memorialists.

"FEBRUARY 5, 1872.

"*Schedule of documents and information required from the board of public works.*

"1. The originals of all contracts made by them since the date of their appointment, and of the estimates made of the cost of the work to be done under said contracts, and statements of the amounts paid and of the amounts due under said contracts.

"2. A statement of all the work done, not under contract in writing; of the approximate estimates made of the probable cost of said work; of the estimates subsequently made of the actual cost of said work; of the amounts already paid, and of the amounts remaining due and unpaid; and of the cost of said work when finished.

"3. A statement of the *total* and *detail* of the number of men, carts, and wagons in their or their contractors' employ, under contracts in writing, or otherwise, *before* and *since* the election of November, 1871.

"4. A statement of the number of bureaus established by the board of public works or the governor; when established, and, if discontinued, when and why; of the total number of officials in said bureaus, of all the appointments, removals, reappointments, or new appointments, or other changes therein.

"5. A statement of all the appointments, removals, and changes of the officials, with dates thereof, under the new government of the District or the board of public works.

"6. An itemized statement of the cost of the two elections held this year, with separate cost of registration, elections, and advertisements of registration and elections, with dates and amounts of payments, and amounts due and unpaid, and names of payees.

"7. An itemized account of the amounts paid or agreed to be paid for printing and advertising of every kind and description, under the new District government, with names and dates of payments and amounts due and unpaid.

"8. A list of all the officials and employes of the District government, from the governor down, with salaries or compensation attached.

"9. A statement of the number and location of the buildings in use by the new government since its beginning, and of the rent, repairs, improvements, or additions and furniture thereof, and of whom and to whom paid."

WASHINGTON, D. C., *February 5, 1872.*

A. GRANT sworn and examined.

By Mr. COOMBS, (one of the counsel for the memorialists:)

Question. Please state to the committee whether it is possible for the question of grades, sewers, &c., to be intelligently presented to them except through a board of experts.—Answer. I will state to the committee that it is not; that the items charged in the memorial (I think it is either the eleventh or fifteenth specification) should be calculated by a board of experts and engineers, in order to put it before the committee intelligently. I have gone over the estimates for paving Pennsylvania avenue myself, and can back up all the other points with a board of experts. I have taken the avenue from Fifteenth street to High street, in Georgetown, and have calculated it two and a half miles long. This will give 160,345 square yards for the roadway, it being 100 feet wide. The cost of laying this with concrete, at the rate at which the board has let the contract, is \$3 20 a square yard, making the total cost \$513,101 40. The actual cost and value of this work, which is 90 cents per square yard, will amount to \$145,990 80, leaving a net profit to the contractors of \$367,110 60. The work as far as done is entirely worthless, as is proved by the large amount of this work which has already been removed and replaced. I will state that this calculation was made by myself and a Government architect of high standing on Saturday. It now becomes necessary for us to go into the details of all this work. I think there will be no difficulty in showing that the amount of work contemplated on Tiber Creek, which benefits the property-holders in the neighborhood over a million of dollars, if it can be examined by a board of first-class experts and engineers, is of the same character.

By Mr. HARMER:

Q. How did you arrive at the cost of the concrete pavement laid on Pennsylvania avenue?—A. By taking the prices of the different items and footing them up. The pavement in front of the President's house is only four inches thick, when it ought to have been twelve. Then, there is two or three inches of sand and coal-tar, with very little cement sprinkled in it. It is almost entirely broken up and relaid nearly the whole length.

By Mr. ROOSEVELT:

Q. When you say that this concrete is only worth ninety cents a square yard, do you mean the cost of the material only?—A. I mean the whole—the material, the bed stones, the concrete, the sand, labor, and, in fact, the whole thing complete.

By Mr. CHANDLER:

Q. Are you an engineer yourself?—A. I am not what you would call a theoretical engineer. I am a practical engineer and builder.

Q. You have a very thorough knowledge of city affairs?—A. Yes, sir; I have.

Q. What is the reason that you cannot sit down and call from the engineers of the city government all the detailed information that you want, as to quantities, prices, and everything else—all in fact that you expect to show by a board of experts?—A. I could, in the course of two or three weeks; it would take all that time to figure this up. I could not leave my business to do it.

Q. But you could foot up all the information you wanted in a short time?—A. I would have to go over and make some calculations.

Q. You know all the expensive jobs that are being done?—A. Yes, sir.

Q. Can you not sit down and in two days call for all the information you want about them?—A. I could not.

Q. Explain why not.—A. Because it requires that the work be turned up and examined. There is no work that has been done by the board of public works that is passable.

Q. You can call for the measurement?—A. Yes, sir. I think it is due to the board of public works themselves that these experts be appointed.

Q. Could you not show to this committee all the facts you wish to prove by those experts?—A. I could. Give me the proper time. I don't think it could be done in two weeks.

Q. State how you arrive at the ninety cents which you give as the value of the concrete pavement per yard?—A. I have not the details here; but I arrived at it in this way: In a load of stones, which would cost not to exceed \$3, there are nine square yards, as near as we can calculate.

Q. Do you mean the lowest stones?—A. The stones that are laid first. They are laid about 4 inches thick and this would make them cost about 33 cents a yard. The sand costs \$2 50 a load; one load would cover 12 square yards three inches thick, making the cost of the sand about 21 cents; adding to this two or three gallons of coal-tar, worth about 3 or 4 cents a gallon, and a little cement that was put in it, worth, say 6 or 7 cents, and the labor, which will not exceed 20 cents, and you will find that the total cost of this concrete pavement is not far from 90 cents per square yard.

By Mr. HARMER:

Q. How much grading will it require?—A. According to the way this board goes to work, the grading is included in another bill.

Q. Then the cost of grading is not included in this \$3 20?—A. No, sir; not as I understand it. They have a schedule of prices for everything. They do not let contracts out here as they do in other cities. They fix their own prices for everything and let the contract out to whom they please. They put the grading in one schedule and the paving in another.

Q. Then I understand you to say that they pay \$3 20 in addition to the grading?—A. That is what I understand.

By Mr. ROOSEVELT:

Q. How much of this pavement has been taken up?—A. I was along Pennsylvania avenue once or twice, and they were taking it up all the whole length. In front of Senator Colfax's residence they have taken it all up, and also in front of the President's house.

By Mr. ELDRIDGE:

Q. Was not this done by the contractors?—A. I could not tell you.

Q. Had it given out?—A. O, yes; the wheels of the vehicles passing over it had cut it all up.

By Mr. CHIPMAN:

Q. Do you know whether these contractors are required to keep the pavement in order for a certain length of time?—A. I do not; I know that a good pavement ought to keep ten years.

Q. How long has this pavement been down?—A. About a month.

By Mr. ROOSEVELT:

Q. Cannot the concrete pavement be laid firmly?—A. No, sir; I do not believe that in this country any concrete pavement can be laid firmly. That in front of the Arlington Hotel has stood very well; and that was ten inches thick, and is the best concrete I have ever seen laid.

Q. Was that laid by the board of public works?—A. No, sir.

Q. What did it cost?—A. I should say somewhere in the neighborhood of \$3 a square yard.

Q. How long has it been down?—A. Not over three years.

Q. There is no difficulty in laying as good pavement on the other streets?—A. There is no difficulty; I don't think that that pavement would wear in places where there is heavy travel. I have put down concrete on roofs of buildings, and know all about it.

Q. What kind of pavement do you think is the best?—A. I think a good wooden pavement, properly put together, and well filled in, is the best pavement.

By Mr. ROOSEVELT:

Q. Did you ever see a wooden pavement that would stand heavy travel?—A. Yes, sir.

Q. In this city?—A. No, sir; because I do not think any of them were properly laid here.

Q. Where have you seen a good wooden pavement?—A. I have seen them in New York

Q. Which one?—A. I do not remember the street. The best pavement I have ever seen laid, that would last for any length of time, is the first wooden pavement invented, the Nicholson pavement. There is an improvement upon that made by Brockheimer and Trainor; there is also a Boston pavement that I think would last some time. It is not so much the wood as the way it is put down. If it is firmly put down, and properly filled, and completely rammed, it will last a good while.

Q. Have you ever laid any pavement?—A. Yes, sir.

Q. What kind?—A. I have laid wood pavement and stone pavement.

Q. What is the price of wood pavement per yard?—A. It varies in different places. In Chicago, where lumber is cheap, it costs \$2; here it would cost \$3. The cost of the wood enters largely into the cost of the pavement; I speak of the Nicholson pavement. The Stafford pavement is very good, but I do not think it has the foundation for heavy travel.

Q. Can you describe the street in New York where the wood pavement has stood the wear so that I can recognize the locality?—A. I do not know as I can describe it. A friend of mine took me to the street; he said it had been there for eighteen years. The same pavement has been laid in Chicago for many years.

Q. Have you ever laid concrete pavement?—A. I have laid it in cellars and on roofs of buildings.

Q. The cost of concrete is not so great as wood?—A. O, no; it don't begin to compare with it a moment. The difference would be about \$2 a square yard. If, however, the concrete is laid the same as that in front of the Arlington the difference would not be so much.

Q. How deep is the concrete at the Arlington?—A. I saw it when it was laid, but did not measure it; I should judge it was about 14 inches thick; it was laid in tiers; one layer was put down and then rolled, then another layer, and so on.

By Mr. GREEN, (counsel for the memorialists:)

Q. Is not the surface of that pavement made of asphaltum?—A. I think it is, as near as I can recollect.

By Mr. WILLIAMS:

Q. Did you lay the wood pavement on South A street?—A. Yes, sir.

Q. What did it cost a yard?—A. That pavement was laid in the winter-time. I did not keep the cost of it.

Q. How does it happen that there is \$15 for each foot front now taxed for this pavement?—A. There were gradings, side-walks, &c. It cost \$3 a yard, I believe.

Q. Do you know that there is charged \$15 a foot front for this pavement?—A. I do not recollect the bill. The bill was made up by items. I gave the mayor and board of aldermen the bill by items, the aggregate cost of the wood pavement, so much for grading, so much for taking up the side-walks and relaying, &c. I do not remember the assessment per front foot; but whatever it was, it was according to the items.

Q. What is the cost per square yard of laying the pavement on this street?—A. I think about \$3 a yard, everything complete; they had to cut the street down.

Q. Was anything else done but grading and laying down the pavement?—A. No, sir.

Q. What does the board of public works pay for grading?—A. I don't recollect.

Q. Whatever they pay is in addition to the price per square yard?—A. That is my impression. The price for paving is given in one list and the grading in another.

Q. Have you seen any of these schedules of prices?—A. I only saw the prices published in the papers.

By Mr. ELDRIDGE:

Q. Did you build this pavement on A street under contract with the city government?—A. I did, with Mayor Emery's government.

By Mr. HARMER:

Q. Do you know what the present government pays per yard for wood pavement?—A. I think, the schedule of prices fixes it at \$3; I think it is 20 cents less than the concrete pavement. In regard to the appointment of a board of experts, I think it is highly essential that it should be done. Without it we could not figure up the work in less than two weeks. We could not investigate into the plans and specifications, nor could we tear up the work. I have seen a little of the work laid in all sections of the city, and I think it would be well to have it torn up and exhibited to the committee. It requires time. I do not pretend to say whether it should be a board of experts or two practical men, but whoever the witness is that comes here, he should be allowed to look into the plans and the work done.

Q. How much removal would be necessary?—A. We would have to tear up a little section of wood here and there. In my judgment the foundation is not much more

than three inches thick. There is some pavement laid out in Fourteenth street—a wood pavement—that was not laid down according to the specifications or according to the patent. Similar boards of experts have been appointed before. I was on one that examined the jail. There was another board on the agricultural building. Mr. St. Johns, of New York, one of the best architects in the country, was on it. It was employed by direction of a committee of this House. Of course they swear the board the same as witnesses.

By Mr. CHANDLER:

Q. You spoke a moment ago of it taking you two weeks to examine the work; how many streets would you examine?—A. I would examine Pennsylvania avenue, and would take some of the other streets that they have commenced. I would then investigate the arches and sewers they are constructing.

Q. You have examined into this subject and published a letter attacking the board?—A. Yes, sir; and every word of that letter was true.

Q. Have you a copy of that letter here?—A. No, sir.

Q. You went over the subject pretty thoroughly when you made charges against the board?—A. I did not make any charges; I merely told what they were going to do. That letter was on their general system, what they called their grand plan. Since that letter was written they have commenced their work, and have gone along so that their work can be criticised. It is also necessary that a practical engineer examine the cutting-down on F street, and also some of the cutting-down which they contemplate, and which will ruin the streets if carried out. I think it will be shown, if this investigation is gone into, that every man in the employ of the board, from the engineer-in-chief down to the last man, is not competent for work of this kind.

Mr. GREEN then submitted the following communication:

“WASHINGTON, D. C., February 5, 1872.

“To the Hon. Committee for the District of Columbia of the House of Representatives:

“GENTLEMEN: The undersigned, counsel for the subscribers to the memorial lately referred to you by the House of Representatives, respectfully request that R. M. Latrobe, engineer; — Randolph, chief engineer Baltimore and Ohio Railroad; W. P. Sanger, civil engineer Navy Department; A. Grant, and E. G. Friedericks, may be appointed a board of engineers and experts to examine all grading done in the District of Columbia since June 1, 1871, paving, sewerage, changing of grades, &c., &c., as contemplated by the twelfth, thirteenth, fourteenth, and fifteenth specifications of the memorial above referred to, and report to the committee on or before the 20th instant. And that an order may be made that said board shall have access, in making their examination, to the plans, specifications, books, and papers of the board of public works. We further request that the committee require the board of public works to furnish, on or before the 13th instant, a statement of the names and duties of all officers, clerks, messengers, and other employes of the board, during each month since May, 1871, with their compensation; and also to furnish a list of all work ordered by the board to be done, whether the order was written or verbal, and whether a contract was made in writing, with the names of persons ordered to do the work, and of persons with whom contracts have been made; also to furnish copies of all orders that have been issued by the board, and of the record of the proceedings of the meetings of the board.

“BEN. E. GREEN,

“J. J. COOMBS,

“Of Counsel for Memorialists.”

After discussion it was decided by the committee that it had no right to appoint a board of experts, as required, but that the memorialists might have such experts appointed and their testimony given before the committee.

Mr. Chandler informed the committee that, in response to the request of Mr. Riddle, he produced a complete list of the contracts made by the board of works. He also laid before the committee the following communication:

“BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,

“Washington, D. C., February 2, 1872.

“SIR: I submit herewith a detailed statement of the engineer relative to contracts and work ordered by this board since its organization, divided as follows:

Net amount of contracts let under act of legislative assembly, approved August 11, 1871, amounting to.....	\$264, 144 24
Net amount of contracts made and work ordered since that time and up to present date, amounting to.....	670, 825 53
Total	<u>934, 969 77</u>

Statement of expenditures on streets and avenues, per statement of superintendent of streets inclosed, amounting to.....	\$163,353 09
Statement of expenditures upon roads and bridges of the county, per statement of B. D. Carpenter, second assistant engineer, inclosed, amounting to.....	99,106 06

"This statement does not include the following work, which was authorized by acts of Congress and the late corporation of Washington, for which specific appropriations were made by District legislature, viz :

1. Improvement of M street northwest, from New York avenue to Fourteenth street..... \$106,882 66
2. Improvement of Seventh street south, from B street south to the river.. 103,150 67
3. Improvement of the Washington Canal and James Creek Branch, under act of Congress, approved July 15, 1870..... 150,000 00

"The term 'net amount,' used in this statement, is the two-thirds proportion of improvements, payable out of the general fund by the board, the remaining one-third being paid by special assessments on the property benefited.

"Very respectfully,

"ALEX. R. SHEPHERD,
"Vice-President.

"WM. E. CHANDLER, Esq.,
"Counsel for the District of Columbia."

WASHINGTON, D. C., February 5, 1872.

Z. D. GILMAN sworn and examined.

By Mr. GREEN, (of counsel:)

Question. Did you sell a farm recently to Mr. Alexander R. Shepherd?—Answer. Yes, sir; I traded some property on North Boundary street, at the head of Third, with Mr. Shepherd for some other property.

Q. How is it situated with reference to the Tiber sewer?—A. I don't think the Tiber sewer goes near there; I think that runs through Mr. Beal's property, some distance beyond.

R. Is there not a branch running up through St. Patrick's burying-ground?—A. I do not think there is.

Q. If there is one, that is in the direction of the property you sold?—A. I do not think there is any sewer or anything of that kind that comes out there. There may be a sewer near First street and P. I have not been out there for a long time.

Q. How far is the nearest point of the lot you sold to Mr. Shepherd from the creek?—A. I should say five or six hundred yards.

By Mr. CHANDLER:

Q. How much property did you sell Mr. Shepherd?—A. The lot was 428 feet front by 1,700 or 1,800 feet deep, running back to the Freedmen's Bureau property.

Q. Is it on high ground?—A. Yes, sir; the front of it especially.

Q. No need of any drainage?—A. I think not.

By Mr. ELDRIDGE:

Q. Can it be affected by this Tiber Creek sewer?—A. Not at all; not the least in the world, I should think.

Q. When did you make this sale to Mr. Shepherd?—A. November, a year ago.

Q. The improvement or work upon this creek could not affect the value of this property you think?—A. It never occurred to me it would.

Q. Does it now?—A. I do not know that it would.

By Mr. GREEN:

Q. I understood you to say that you did not think there was a branch extending to St. Patrick's burying-ground?—A. I do not know that there is.

Q. If there was, how would it affect the property?—A. I do not know that it would be of any advantage to the property. It would still be a long distance to dig to reach the creek.

By Mr. CHIPMAN:

Q. Would you have made any difference in the terms of sale had you known of this plan of improvement?—A. No, sir; I would not.

WASHINGTON, D. C., *February 5, 1872.*

GEORGE S. GREENE sworn and examined.

By Mr. COOMBS :

Question. State your occupation and residence ?—Answer. I am a civil engineer ; my residence is in New York ; at present I reside in Washington.

Q. Were you engaged as principal engineer, or in some such capacity, by the board of public works ?—A. Yes, sir.

Q. Are you still employed ?—A. No, sir.

Q. How long did you occupy the position ?—A. From the 23d of August to the last day of December.

Q. Did you in that capacity make a plan and estimate for the Missouri avenue sewer ?—A. I did.

Q. Please describe how that sewer runs, and what is its object ?—A. It is part of the system of drainage for that section of the city lying between N street and the canal ; as far as it goes it cuts off the sewers that run into the canal. The canal is in process of being filled up as far as Seventh street, and this sewer runs along nearly parallel with the canal through Missouri avenue.

Q. Have you examined that sewer since it has been completed ?—A. I examined it, while I was on the work, frequently.

Q. How far had it progressed when you examined it ?—A. Several hundred feet were finished. I don't recollect how much.

Q. Have you examined it where it discharges into the Tiber ?—A. It was not completed then. I laid out that part of the work.

Q. How much fall is there in that sewer ?—A. It is intended to be a level. It is intended to go to the Potomac River and intercept the sewerage, cutting it off from the canal.

Q. Is it contemplated to carry that sewer any further than the Tiber ?—A. It is part of the plan to carry it to the river, so that it could be washed by the tide of the Potomac.

Q. Do any houses on the line of the sewer drain into it ?—A. They will all drain into it.

Q. Do not they have a sewer which they now drain into ?—A. They may have, but that sewer was not suitable for the object for which this was designed.

Q. Will the property on Missouri avenue be charged for that sewer ?—A. I do not know anything about the assessments.

Q. State what your salary was while you were chief engineer ?—A. Eight thousand dollars a year.

Q. How were you appointed ?—A. By the board of public works.

Q. Is that an office established by the board of public works ?—A. I do not know.

Q. You only know that you were appointed to that position ?—A. That is all—by a resolution of the board.

Q. You do not know of any law creating such an office ?—A. I do not.

Q. Why did you leave the position ?—A. The arrangement was terminated, and I was requested to make my final statements.

Q. You were not dismissed for any fault of your own ?—A. I do not know anything about that.

By Mr. HARMER :

Q. Do you consider the sewer a necessary work ?—A. Absolutely, sir.

Q. In regard to your salary, did you consider that too high ?—A. No, sir ; that is what I have generally been receiving. I was expected to give my whole attention to the work.

By Mr. ELDRIDGE :

Q. Did you reside here before your appointment ?—A. I resided here during the war several months.

By Mr. ROOSEVELT :

Q. You say that this sewer communicates with the Tiber ?—A. Yes, sir ; it is a tidal sewer, and is kept clean by the wash of the Tiber.

Q. It empties into the Tiber ?—A. Yes, sir ; the tide that rises in the Potomac washes through it into the Tiber.

By Mr. GREEN :

Q. Do you not know that the bottom of that sewer is lower than the Tiber ?—A. It is eight or nine inches higher than the floor of the Tiber sewer.

By Mr. HARMER :

Q. It is simply a dead-level sewer, and the tide washes throughout it into the Tiber ?—A. Yes, sir.

Q. Does not the tide, when it washes into it, fill the sewer?—A. No, sir; it will not fill it. The tide rises here about three feet.

Q. What is the depth of that sewer?—A. Four feet three or four inches.

By the CHAIRMAN:

Q. You say this sewer was considered absolutely necessary; was there anything, after you had gone through with it, that you thought might have been more economical?—A. No, sir. I think that was the only way to get rid of the drainage of that part of the city.

By Mr. GREEN:

Q. Is this the cause of the filling up of the canal?—A. Partly so, but I would have recommended the same thing if the canal had been kept open. There can be no healthy system of drainage without it.

Q. What is the theory of this sewer?—A. There are open gates at each end of the sewer; when the tide is high it will wash in and clean the sewer out, and the same when it falls. This kind of sewer is not a matter of experiment; it has been tried in other cities.

Q. What other cities?—A. In Charleston, South Carolina, for instance.

Q. Have you given this subject careful attention?—A. Yes, sir; I have given a great deal of my time for many years to this subject. I was connected with the sewerage in New York for some time.

By Mr. ROOSEVELT:

Q. Had you charge of the Tiber sewer?—A. Yes, sir.

Q. That was let in two parts?—A. Yes, sir.

Q. Which part was most expensive?—A. I think the one below was most expensive; there was a great deal of trouble with the water there.

Q. The sewer was of different width above and below?—A. It is the same width all the way through. I think his contract only contemplated taking it up to New Jersey avenue.

Q. Would there have been much difference in the cost in constructing it above than below?—A. I don't think there would be much. It depends upon the water; in constructing it below he was below tide-water mark, and was a good deal interrupted.

Q. Please state the dimensions of the sewer.—A. It is $7\frac{1}{2}$ feet semicircle, 7 feet wide, and 9 inches versed sine.

Q. What will it cost to complete that sewer?—A. I do not recollect the estimate. It is in the office, a simple matter of figures.

Q. About what?—A. I do not recollect.

Q. What will be the length of that from the Potomac?—A. About two miles.

By Mr. ELDRIDGE:

Q. Were you the engineer that designed the arching of the Tiber?—A. No, sir.

IN THE MATTER OF GENERAL CITY IMPROVEMENTS.

WASHINGTON, D. C., *February 7, 1872.*

G. S. GREENE recalled, and examination continued.

By Mr. COOMBS:

Question. You said on Monday that the plan was to carry the Missouri avenue sewer west to the Potomac?—Answer. To continue the sewer from there.

Q. Where would that intersect the Potomac?—A. About Easby's wharf, about Twenty-seventh street.

Q. The land is quite level all the way through?—A. Yes.

Q. Did you make the estimate for that?—A. The estimate or plan has not been definitely made.

Q. Has an estimate been made for the work that is being done now from Sixth street to Third?—A. I do not know whether an estimate has been made or not.

Q. Do you know what the estimated expense is?—A. No, sir.

Q. Do you know what the contract was?—A. I only know from recollection. I think it was \$20 a thousand for brick laid in the sewer and 40 cents a foot for excavation.

Q. Your theory, as I understand, is that when the sewer is open clear through, to connect with the Potomac at both ends, the tide flowing in and out of the sewer will carry away all the deposit?—A. Not simply in that manner, but that, having gates at each end, the sewer can be flushed and kept clean. That is practically established, as

it has been done in Jersey City and in Charleston. The sewer in Charleston is $2\frac{1}{2}$ miles long, and is level with the tide.

Q. Why not do the same with the canal?—A. Because there is not sufficient current in the canal, and it would not operate in the same way at all unless you reduced the depth of the canal.

Q. I think you stated the other day that you are still in the employment of the board of public works?—A. I have a contract for doing some work for it.

Q. You are not officially in its employment?—A. No, sir.

Q. What contract have you?—A. To make a plan of the sewerage of Georgetown and Washington.

Q. Your contract is not for performing the work, but only for making the plan?—A. Only for making the plan.

Q. How are you to be paid?—A. I am to be paid for the job when it is finished.

Q. How much?—A. Three thousand five hundred dollars.

Q. Is that sewer on Missouri avenue to be the same size all the way?—A. That is not determined yet; that subject is under discussion.

Q. I find in the proceedings of the board of public works, on the 25th of September, that a plan was submitted by Mr. Mullett, which was approved by the board, for building a sewer on Missouri avenue from Sixth street to Tiber Creek. That seemed to be all the plan at that time. Did you at that time contemplate extending the sewer to Twenty-seventh street?—A. I contemplated it as an ultimate thing to go to Twenty-seventh street.

Q. How much do you estimate the cost of building the sewer from Third street to Twenty-seventh street?—A. I have not made an estimate. I have not determined the size of the sewer, and cannot make any estimate until the size is determined. That whole subject is under discussion, involving several other sewers in the city, which are not yet determined upon.

Q. Can it be made for \$300,000?—A. I do not know. I prefer not to give an opinion upon a thing which I have not examined thoroughly. The work is only laid out as far as Sixth street.

Q. That would not answer the purpose of keeping the sewer clean unless it was connected at both ends with the Potomac, would it?—A. Yes, it would by flushing.

By Mr. ROOSEVELT:

Q. Were you employed by the city at the time the F street improvement was made?—A. That work was commenced before I came here.

Q. Did you have anything to do with that grading?—A. I gave a project for those grades in a certain direction to the board, and I think that F street was a part of that project.

Q. Do you recollect what the object was of grading F street?—A. No, sir. I think the first cutting down was commenced before I came here. That was cutting down Seventeenth street, and it involved the cutting down of F street.

Q. You did not have special charge of the work?—A. It was under my direction, but the cutting down of Seventeenth street was concluded before I came here, and there was an alteration made in the grade of Eighteenth street after I came here.

Q. What was the reason for that?—A. I do not know any reason. The board directed me to examine this grade and report according to certain suggestions made to them. I simply made up the plan on those suggestions. The subject of the improvement was not discussed at all. The suggestion was to make a straight grade from Twenty-second to Seventeenth street.

Q. Did you approve of that change of grade?—A. I approved of it so far as the grading of the street was concerned. As to the injury of property, I did not discuss that question, and I so reported to the board. I did not examine any further than as to the propriety of the grades for drainage for that part of the city, as in the original proposition.

Q. Did you have charge of the Seventh street road?—A. So far as the general direction was concerned, I had. I never was on the road, but the plan was submitted to me in the office. I examined the profile and gave some advice as to the points of construction, as to the width of the road, &c.

Q. You do not know how the work has been done?—A. No, sir; I never saw it.

Q. Was it a part of your plan, in connection with the Missouri avenue sewer, to close the canal?—A. No, sir; it has no connection with that. It was determined before I came here to close the canal as far as Seventh street. It is closed now and filled up.

Q. You stated that there were two propositions—one to dig the canal out, and the other to fill it up entirely, and to make a sewer?—A. What I stated was, that I did not consider the canal as connected with the sewerage proper. That should be entirely independent of the other. Whether the canal should be filled up or kept open is a matter of navigation, not of sewerage.

Q. What would be your advice?—A. To fill it up absolutely. I think it a nuisance,

and that it always will be a nuisance. It has no real communication with the river now.

Q. Could it not be dredged out?—A. Yes it could be dredged out; but it would be also necessary to dredge the river out as far as the channel, which would be very expensive, and I do not think there would be any object to justify that expense. The whole subject of that canal and the river is one which will have to be taken up one time or another in order to preserve the health of the city, for these marshes increasing will make it unhealthy, unless they are covered up or excavated.

By Mr. CRANE:

Q. If a sewer had been made in the bed of the canal, hollowed out from one end to another, and a gate put at each end, would not that sewer have been kept clean by the flow of the tide, just the same as a sewer running parallel with it?—A. Just the same; it is not material where you put the sewer.

Q. Would it not be cheaper?—A. No, sir; it would cost very much more.

By Mr. HARMER:

Q. Do you consider the cutting on F street a proper or a necessary improvement?—A. I think it is a very great improvement. As to how much it will cost the property, I have never examined that question. It opens that part of the city to the river, both for air and drainage, and it is better on that account.

By Mr. ROOSEVELT:

Q. How do you mean that it opens it for drainage?—A. It gives direct surface-drainage to the river. The best way for sewerage is to carry it the shortest distance.

Q. But if the sewer was laid before the cut, it would not change that?—A. No, it would not change that; but it changed the sewers running north and south from the cross-streets.

Q. Could they not have been laid without cutting the street?—A. Oh, yes; they could have been laid. I do not think that the cutting was a thing of absolute necessity.

Q. The principal benefit is only that it opens the view to the river?—A. It opens the view and the air, which is of more consequence than the view. There was a hollow between Pennsylvania avenue and the river at about F street or E or G.

By Mr. CHIPMAN:

Q. Did you compute the cost of laying this lateral sewer along the canal, in the canal, and compare it with the sewer outside?—A. I never made an estimate, but from my general knowledge of such work I think it safe to say that it would have cost more to have piled that foundation than it would have cost to excavate one. It would have been a much more difficult thing to keep out the water.

By Mr. ROOSEVELT:

Q. In your opinion, can any concrete or wooden pavement be laid in sand?—A. I have not had experience enough to answer. When they were speaking of paving Broadway, in New York, I examined the wooden pavement in Chicago. The pavement in Park street had been down ten years, and had been slightly repaired. It was worn down in some places 3 or 4 inches, and in some places half an inch. I had a talk with the engineer and superintendent there, and concluded that a pavement of that kind on Broadway would not last more than two years.

Q. Can you make any pavement, either wooden or concrete, that will last?—A. There is a piece of concrete pavement laid in Thirty-ninth street, in New York, which was laid somewhat under my own directions, and it has stood better than anything else of the kind laid in New York. It is simply necessary to put on a large quantity of clean gravel, and to heat it and take the moisture out of it. That pavement stood comparatively well. It is hardly hard enough. It is a little soft in summer, but it has stood nearly three years, and is in very good condition now.

Q. Did you advise the board to that effect?—A. No, sir; it never came under our consideration at all. The common council made these specifications without reference to the Croton board at all.

Q. I meant the board here. Did you advise the board of public works here?—A. No, sir, I did not. I do not think that was ever referred to. I think that these pavement contracts were mostly made before I came here.

Q. The board did not consult you at all, either about the wooden or the concrete pavement?—A. I think not. Some pavement was referred to me for an opinion, which I did not give, because I had not sufficient data.

Q. Have you examined the concrete pavement in front of the White House?—A. Yes; I see it every day. I saw it when it was being laid. I never examined it particularly to say what the depth of stone was. It is, perhaps, 5 inches.

Q. Did you examine it sufficiently to give an opinion as to the depth of that pavement?—A. No, sir; it was a thing which would require measurement.

Q. Can you not even approximate it?—A. I should think that the stone foundation was about 4 or 5 inches.

Q. That was the bed of the road?—A. Yes, that was the broken stone.

Q. And the concrete part, how deep is that?—I do not know. I should think 2 inches, but I do not know. I see that they have been cutting some of it, and there it is 1½ inches or 2 inches deep.

Q. Do you know what the contract was?—A. No, sir; I never read it or the specifications.

Q. Do you know anything about the cost of that pavement in front of the White House?—A. I do not.

By Mr. CREBS:

Q. When did you come here first?—A. On the 23d of August.

Q. Were you present when the bids were read?—A. There were a large number of bids, and I think I was present. I was generally present at the meeting of the board, and I think I was present when the bids were opened.

By Mr. ELDRIDGE:

Q. You say you were employed on the 23d of August?—A. Yes.

Q. How came you to be employed?—A. I was invited to come here by a letter from Governor Cook.

Q. You were acquainted with him before that?—A. Only a short time before that.

Q. Do you know how he came to write to you?—A. I think that Mr. W. B. Ogden wrote him a letter.

Q. You made an application for the place?—A. No, sir; Mr. Ogden made the application for me. He did it before I made any request, but I approved his request.

Q. You had nothing to do with it yourself?—A. Nothing farther than that; I saw Mr. Mullett in Stonington after that; he wrote me a letter asking me to come and see him.

Q. What was the arrangement about your salary?—A. My salary was to be \$8,000 a year.

Q. How were you to be paid?—A. I do not know whether it was mentioned; I was paid monthly.

Q. Was there any advertisement for an engineer?—A. I do not know. I should not have answered it if there was.

Q. Was your first arrangement at \$8,000 a year?—A. Yes.

Q. What has been your experience as an engineer in the improvement of sewerage of cities?—A. I have been an engineer for about thirty or forty years.

Q. That has been your business during that time?—A. Yes.

Q. Were you engaged for any specific length of time when you came here?—A. No, sir.

Q. How came your relationship in that capacity to cease?—A. The board sent me a letter wishing me to take charge of the plan of sewerage and to give up the office of chief engineer.

Q. Did you differ with the board in regard to the mode of improvements?—A. There was some discussion about some grades on Fourteenth street; I do not know anything else.

Q. Discussions are not always differences of opinion. Had you any difference of opinion?—A. There was some difference of opinion about that.

Q. Did you disagree?—A. There was a difference of opinion. They thought the grades ought to be altered, and I did not advise it.

Q. Did you advise against it?—A. Yes, I advised against it.

Q. Was that the occasion of their dispensing with your services?—A. I do not know whether it was or not; I had no discussion about leaving.

Q. You do not know why that change was made?—A. I do not, except from that letter.

Q. Was it your choice that it should be made?—A. No, sir; it was theirs. Their letter will show all I know about it.

Q. Was there any general difference of opinion between you and the board of public works?—A. I think not.

Q. You did not have any disagreement with the board?—A. I think not.

Q. In relation to this sewer on Missouri avenue, were you dictated to by the board, or was that a plan which you advised?—A. The board never dictated to me in any plan whatever. I never sent in any plan which was not approved of.

Q. Then you did not present the plan for Fourteenth street?—A. No, sir; that was a mere matter of cutting down a few inches of grade.

Q. Was there any way to have accomplished the drainage necessary for the city more economically than the digging of this sewer on Missouri avenue?—A. I think not.

Q. It is not a matter of professional pride with you in relation to it?—A. No, sir, not at all.

Q. You think still that that was the best plan?—A. I do, certainly.

Q. Did you advise to have it done after knowing anything about the cost of it?—

A. I knew what the cost would be, because I knew the size of the sewer and what the work could be done for.

Q. I understood you to state that you declined to give an opinion as to the cost because you did not know the size?—A. That was in regard to extending the sewer all the way; and the project for that has not been decided upon.

Q. Can you not give any idea as to the cost? It has been suggested that it would cost \$200,000.—A. I should not wish to give an opinion on a thing which I have not examined.

Q. Calculating what is to be done by that which has been done, what will it cost?—A. I have not made the calculation. The sewer would be about two miles long, and the size is undetermined.

Q. If the sewer is built of the same size all the way through, what would it cost? Give us an approximate opinion.—A. Mr. Oertly has made the calculation for that sewer, and can give you the cost by foot.

Q. In relation to the covering of the canal, did you advise to have it covered in the way in which it has been covered?—A. That advertisement was made when I was absent or before I came here. I did not make up the plan for it. It was similar to the plan by which it is covered already.

Q. I ask your opinion in reference to it. What is your opinion as to the propriety and wisdom of covering this canal in the manner that it is being done?—A. I think it is very proper.

Q. What is the object in going to that great expense? What is the purpose?—A. The purpose of it is that it benefits the city by benefiting the property in the lower part of it; it will be kept in better condition for sewerage if it is filled up; it has either to be dug out or filled up.

Q. Is it merely local in its benefits?—A. No, sir; I think that no improvement of a street is local in its benefits.

Q. You think it is a general improvement to the city?—A. I regard it as absolutely necessary to confine the upper part of it in its bed; and, in order to keep it clean, I think it necessary to cover it; it should be made a sewer, rather than an open ditch.

Q. What reason is operating on your mind to convince you that it ought to be covered?—A. It cannot be kept clean otherwise; the sewers must open into it, and the effluvia from the sewers cannot be kept out of the atmosphere unless the canal is covered up.

Q. Is your opinion controlled by consideration for the health of the city?—A. Yes; and it will be a benefit to property by putting it in the street.

Q. What property will it benefit?—All the property in the vicinity of where it passes.

Q. Is it confined in its benefits to that?—A. The general health of the city is a thing not confined to any locality.

Q. What is your opinion as to the manner in which the work is being done? Is it being well done?—A. I think it is being well done.

Q. What of the plan?—A. It is the same size as the sewers in the immediate vicinity of it; I should not have altered that.

Q. How is the work as to its durability and permanency?—A. I think it is well done in that respect.

Q. Is the plan the best that could be devised?—A. I think it is a good plan; I do not know as to its being absolutely the best plan; I think the work is sufficiently strong. As an original plan, perhaps there might have been some change in it; but as the carrying out of part of a projected work, I think it is all very well.

Q. It is charged in the specifications here that the work is being done so frailly that life is endangered by it?—A. I do not think that there is anything in that. I made some change in the plan after the contract was made, because I thought it would be an improvement, and because the other arch which had been made on the same plan above had failed. The arch under the Botanic Garden was settled and was not in perfectly good condition.

Q. Here is the fourteenth charge: "It has filled up, narrowed, walled, and otherwise manipulated the canal, both by itself and in connection with sewers, so injudiciously that not only has some of the most costly work on Seventeenth street proved a palpable failure, but we are actually threatened with inundation and pestilence." Now, what is your opinion of that work in view of that charge?—A. I do not understand it; I do not know what work on Seventeenth street is referred to; I do not think that there is any work on Seventeenth street which can be affected as suggested in that charge. There is no connection between the canal and Seventeenth street, except that the canal has been narrowed at Seventeenth street. I do not think that that is any injury whatever to the city.

Q. Does it obstruct the flow of water?—A. It will not when the sewer is carried to the borders of the canal.

Q. Has the canal been so narrowed as to threaten the city with inundation?—A. No, sir.

Q. What effect has the narrowing of the canal had?—A. I do not think that it has had any effect whatever, except that it will necessitate the lengthening of the sewers to meet the canal. The canal is narrowed some 60 or 80 feet; and the sewers coming down the streets that run north and south will have to be extended that much.

Q. This charge speaks of the most costly work on Seventeenth street?—A. I do not know of any work on Seventeenth street except the grading. I do not think that any sewer has been commenced there.

Q. Can the water possibly be flowed back on Seventeenth street by the narrowing of the canal?—A. It will unless the sewers are extended across this new filling; which I suppose is being done. I know nothing about it, however, not having seen the work lately. The canal was not filled up there when I left the work. The wall was built, but the space was not filled up.

Q. Have the sewers been extended?—A. They cannot be extended very well until it is filled up.

Q. What do you mean by filling up the canal?—A. To build a wall about the middle of the canal, and to fill up the space north of that wall; that is, where these sewers come in.

Q. And it is your opinion that this work is well and substantially and wisely done—I mean so far as walling the canal?—A. As to the canal work, I do not think it is well done.

Q. That is the question which I put to you some time ago.—A. I thought you were talking about the Tiber. I am talking now about the canal, which is a very different thing.

Q. Tell the committee the difference between the Tiber walling and the canal, which you propose to fill up.—A. The Tiber is being arched from about Missouri avenue and the public garden to Maryland avenue. That is being covered up. Maryland avenue is about 900 feet south of Missouri avenue. This walling of the canal is west of Seventh street.

Q. The Tiber flows into the canal?—A. There were three branches to the canal; and the Tiber came into these three branches. One ran to the navy-yard, one to James's Creek, and the third to the Potomac. They have filled up the canal from Seventh street to Third street, where the Tiber comes in; and the Tiber is now conducted into the branch that runs to the arsenal. They are excavating that branch. Then the canal from Seventh street to Seventeenth street is being narrowed to about half its former width, and a wall is being built; and the canal on the north side of that wall is to be filled up.

Q. May I understand you that the Tiber, so far as they are walling that in, is well done?—A. Yes, sir.

Q. Sufficiently done?—A. Yes, sir.

Q. Substantially done?—A. I think so.

Q. Now about the canal.—A. The specifications drawn up under the late administration only required a wall as good as the old wall. I think it is as good as that.

Q. Is that work done as well as it ought to be, considering the necessity of the case?—A. I think it will support a bank of 5 or 6 feet high.

Q. Is it enough, or is it not enough?—A. I think it is enough; but if I had been making specifications for it I should have required better work. Under the specifications that were made, I think the work is as good as could be required.

Q. Tell us how it is, and how it ought to be.—A. It is built on piled foundations, at some portions about low-water mark. The wall is a rubble wall.

Q. What would you have made?—A. I should have kept the piling lower and the foundations lower, and I would have laid the wall in cement. I think that a dry wall is substantial for the time, and can be kept in repair; but it is not the best kind of work. As to the southern side of it, they are building a timber wall, which I think will not stand. It is built according to the specifications, but I think it will not stand; that is, somewhere from the middle of the President's Grounds to Seventeenth street. There is a place to be filled up opposite the monument, and they have built a wooden wall there.

Q. This fourteenth specification relates particularly to the canal. Now, is there anything in the building of that canal, in the way that it is being done, which justifies the charges which I have read to you?—A. I do not know how far the board is responsible for that work.

Mr. ELDRIDGE. I do not care who is responsible.

WITNESS. I do not think the work is judiciously built. I do not think that the plan of construction is a judicious one.

Q. Is there anything in the building of that canal which would justify the charge; and, if so, what is it?—A. No, sir; I do not see that it threatens either inundation or pestilence in any way; and I do not know how the work on Seventeenth street has

proved a failure. I do not know the work referred to, but certainly no work that I recollect has had that effect.

Q. Then you think that this work is not judiciously done? Tell us precisely how it should have been done to have been judiciously done.—A. I should have filled up the canal.

Q. Altogether?—A. Yes, sir.

Q. You would not leave any portion of it open?—A. No, sir; I would not leave any portion of it open. I do not think that the object for which the canal can be used is important enough to have it kept open.

Q. Would closing it up be more, or less, expensive than the present plan?—A. I think that, if done on time, it would not cost any more. The excavations made in the city could be used to fill up the canal. I think it could be done very cheaply.

Q. As to the present cost of the matter, would it cost more to fill it up?—A. I have not made any calculations on that point.

Q. I ask your opinion.—A. I do not think it would cost much more, because the excavations going on in the city would fill up the canal at a very little cost. A great many lots require to be cut down; there is a great deal of earth to be disposed of, and it will be a question where it can be disposed of. There are very few lots that require filling up.

Q. Has the work for the improvements in this city been done without any general plan, as stated in the memorial?—A. I do not know.

Q. Do you know that there is a general plan?—A. I do not know that there is a general plan. A good deal of work was commenced before I got here, and I do not know what plans they have. There was always a plan for the work that I ordered.

Q. Was that a plan merely which related to the particular piece of work, in isolated portions, or did it relate to any general plan of city improvements?—A. Whenever I altered the grade of a street it was made up in connection with other streets whenever it could be done.

Q. And so with all the streets?—A. With all that I had anything to do with.

Q. Now, in relation to cutting down F street, was that work done for the benefit of F street alone, or was it for the benefit of the city?—A. I would suppose that the benefit is general. I would not suppose that it was the immediate property which was benefited so much. I think the cross-streets were benefited more than F street.

Q. What was gained by cutting down F street in the manner stated?—A. Merely getting this descent to the river and to the Treasury Department. That was the principal part gained.

Q. Was it cut down with regard to making the situation of the State Department more beautiful?—A. I suppose that was one point. As I said before, I did not discuss that question at all. The cutting that was done in Seventeenth street was done before I came here, and that involved the cutting of F street.

Q. What is the effect of that cutting with reference to the State Department?—A. It opens a vista to the State Department. From about Twenty-second street it is a straight grade, or nearly straight.

Q. Has it any other effect upon the location than adding to the beauty of the State Department?—A. No, sir; I do not think it has any other effect.

Q. Might not the same thing be accomplished with reference to the State Department by lifting its foundations?—A. You could not raise Seventeenth street with propriety. Seventeenth street was cut down from Pennsylvania avenue to the river.

Q. If the State Department had been raised up, what would have been the effect on the appearance of the Treasury Department?—A. I do not think it would have any effect, the two buildings being so far apart.

Q. You answered to Mr. Roosevelt that one object of cutting down F street was to get lateral sewerage from the avenue, across F street to the river?—A. That was an object that was accomplished by cutting it down. I do not think it was absolutely necessary, but it was getting a better direction for the sewers.

Q. Was there sewerage enough down Seventeenth street?—A. There was declivity enough.

Q. Would there have been through that sewer on Seventeenth street sufficient drainage for the surface water from the avenue?—A. I never examined that question.

Q. In order to have put the sewerage there without cutting down F street, what would you have had to do—I mean in order to put down sewers in Eighteenth and Nineteenth streets?—A. You would have had to carry the sewers according to the slopes. Part of the slope was toward H street, I think, and part of it the other way. The sewers generally run according to the slopes of the streets.

Q. Before this was done, did some of the water there run north and some south?—A. Yes.

Q. Where did it divide?—A. On F street or G street, I think.

Q. A part ran to the north and a part to the south?—A. Yes.

Q. How is it now?—A. It runs, I think, from H street south. I think the grades all run from where Pennsylvania avenue strikes H street down to the river.

Q. Do you consider that the work which has been done on F street is an improvement to the whole city?—A. Yes, I think it is an improvement to the city, because the grade is an improved grade. It is an improvement not only to that street, but to the streets that cross it.

Q. Take it all together, is it an improvement or otherwise?—A. It is an improvement on the grade.

Q. Is it an improvement to the city?—A. Yes, I think it is an improvement to the city.

Q. Do you think that it is an improvement equal to its cost?—A. I never examined that question at all. I never made an estimate as to how much it will cost to put the property there in good condition.

Q. What is the effect generally upon property in the street?—A. I think the houses are benefited by being raised higher than they were. I do not think that any living floor should be less than 5 or 6 feet from the street.

Q. Is it your opinion that that grading there, taken all together, is an improvement to the property itself as to its desirability for residences?—A. Yes; I think it is an improvement on that account.

Q. Do you know the price paid for that work?—A. I do not. It is a matter of record.

Q. What would be, in your judgment, a fair price for doing that work?—A. We pay 20 cents a foot, I think, which is a fair price.

Q. Would 40 cents per foot be a fair price for the first 2 feet?—A. Yes; it is worth as much as that to take up the first 2 feet, where the street has been an old street, packed down with gravel. Such a street is generally very hard.

Q. You think that that work is worth 40 cents a foot?—A. I think it is worth double what the other is.

Q. Did you have anything to do with making the contracts for the grading?—A. No, sir.

Q. You spoke about some portions of the avenue near the President's house, where the pavement was torn up; who tore it up?—A. I do not know. I see that they have been taking it up there.

Q. Do you know whether that work has been accepted by the board of public works, as in accordance with contract?—A. No; I do not.

Q. Do you know whether this tearing up was done in order to ascertain whether the work was properly done?—A. No, sir; I suppose it was done to make some repairs. I simply saw some irregular places cut out of it, as if they intended to put in some new material, but I do not know anything about it, except from passing over it.

Q. Were you there when they were laying that pavement?—A. I saw it frequently when they were laying it.

By Mr. ROOSEVELT:

Q. You say that you think that this cutting through F street was a benefit; do you think that it is a benefit to cut away the bed of a street so as to leave the houses 10 feet above it?—A. I think that a house should be 5 or 6 feet above the street.

Q. For what reason?—A. On account of health, because the air is not good too near the surface of the street. I think that, in a sanitary point of view, that fact is pretty well established.

Q. Do you think it will be a wise thing to cut down all the streets of Washington 10 feet?—A. I do not know that; but I think it would be better if every house was 5 or 6 feet above the street. But whether it would be worth going to such an expense would depend upon the value that people place upon their health.

Q. Would there be any difference in that rule as between F street and any other street?—A. No, sir.

Q. You mean that it would be the same benefit to F street as to any other street to have it cut down 10 feet?—A. I do not think it would be any benefit to any street to be cut down 10 feet; I am only speaking of the propriety of having houses 5 or 6 feet above the street, which is given in sanitary discussions as the height at which air should be taken.

Q. Do you think that it is any benefit to a stable to be left 5 feet in the air?—A. It will be a benefit to the horses.

Q. Would that benefit make up for the difficulty in getting the horses down?—A. I do not know that; as I stated before, I never examined the question in that point of view. It never came before me in that way.

Q. Your impression is that the air is better 5 feet above the street?—A. I gather that from the sanitary discussions.

Q. Is that rule peculiar to this city?—A. No, sir.

Q. It would be a good thing, then, to cut down every street in New York?—A. The New York houses are generally 5 or 6 feet above the street. I mean the parlor floors.

Q. Were not the parlor floors of the houses here above the street?—A. I do not know

whether the houses were high or low there. As a general thing, the houses here are very low. I never looked on F street in that point of view.

Q. What difficulty was there about the cross-streets that justified the grading of F?—A. There was no difficulty that I know of.

Q. Nothing at all to require it?—A. Nothing special to require it that I know.

Q. About this filling of the canal, is it not the experience of cities generally that some place has to be found for depositing the surplus earth, the ashes, and accumulations of that kind?—A. We require some place, of course, for such things, for cities are always growing.

Q. Do they not have to pay for the privilege of dumping?—A. Yes. In New York they pay from 12 to 25 cents a load for the privilege of dumping.

Q. In that way the filling up of the canal would really be a saving instead of cost?—A. I think it could be done without much expense if it was done gradually.

Q. And all this expense of building these walls in the canal could be saved besides?—A. Yes, sir.

Q. Is winter the best time to lay the Tiber sewer?—A. No, sir; it is not. It may be on the account of the water, but that is not the principal point. Winter is not the best time to lay masonry, because the work is frequently interrupted by the frost.

Q. Can mason-work be done at all in frosty weather so as to stand?—A. Yes, if it has time to set before the frost; but it is not judicious to do mason-work in frosty weather.

Q. There would be risk of the work giving way?—A. There would be risk of the mortar not setting, and there is risk always of injury to the work.

Q. If it is covered up afterward, there is no certainty that the work would be permanent?—A. Not if it freezes before the mortar sets.

Q. Is this Tiber Canal large enough to prevent all flooding?—A. Yes, I think it is amply. The work under the Botanic Garden has been down there several years, and this is as large as that.

Q. You say that the specifications made by the old council were changed in regard to Tiber Creek; was that changed by your directions?—A. The size of the arch was changed so as to have another half-brick in it, and the shape of the stone-masonry was changed; I had it made wider and higher.

Q. You made the arch itself more solid?—A. Yes, I made it a little thicker than the old arch under the Botanic Garden.

Q. Why did you make that change?—A. Because I thought the other was not strong enough. I saw that the other had failed, and, under the circumstances, I thought it better to increase the size.

Q. Was any of the work done before you increased the size?—A. No, sir.

Q. Have you examined the work since to see whether it compares with your specifications?—A. I have seen the work as it has gone up on the other side.

Q. Have you measured it?—A. Yes. The number of bricks is according to the specifications.

Q. Do you know the width of it?—A. No. The superintendent took the dimensions. There has been no final acceptance of the work while I was there.

Q. There is a reference in these charges to the wall from Seventeenth street; do you know whether there is a sewer through Seventeenth street?—A. There is.

Q. Has that been affected in any way by these changes?—A. I should not think it would be. I do not know how far the sewer is below the present grade of street.

By Mr. CREBS:

Q. About this sewer on Missouri avenue; you say that it is now being built from Sixth to Third street?—A. Yes.

Q. Will that sewer serve any purpose unless it is built through to the river?—A. Yes, sir; it will take off the drainage of about 250 acres there.

Q. You said the other day that the other sewer took it off before?—A. The canal took it off before.

Q. Does that add to the volume of water going into the Tiber sewer?—A. Yes; there is plenty of capacity for it.

Q. That sewer is perfectly level, and has got no way of drainage except through the Tiber?—A. It has not.

Q. Do you think that a sewer that is perfectly level will not fill up with sediment?—A. It will require attention. It will require to be flushed out or cleaned out. A very small amount of flushing will keep it clean.

Q. You state that you made the plan for that work, and that it was on your suggestion that it was built?—A. Yes.

Q. At the time you submitted the plan, did you submit a plan only for that portion of it?—A. That was all.

Q. Your opinion at the time you submitted it was, that the tide would keep the sewer clean?—A. That is an ultimate project; I had that in view; but it is not very difficult to keep it clean without that.

Q. You state that you did not know what the cost would be to build it all the way through, or what the cost is for the distance it is built?—No, sir.

Q. At the time you submitted a plan, did you have an estimate?—A. Yes.

Q. You submitted a statement of the cost to the board of public works?—A. A statement was made up in the office, and I presume that it was submitted to the board.

Q. While you were engineer for the city you had the entire supervision of all this work?—A. Yes, sir. Mr. Shepherd used to have a good deal of the out-door supervision, but the engineering was under my charge. The executive officer frequently gave orders on the work himself.

By Mr. GREEN:

Q. Do I understand you to say that the old Tiber sewer is filled up two feet?—A. The old Tiber sewer is filled up two feet with the gravel that has been swept into it, and that shows that its capacity is not half of what it would be if it was cleaned out.

By Mr. ELDRIDGE:

Q. What do you mean by flushing the canal?—A. By putting an extra quantity of water into it, or by damming it up and letting the water flow off suddenly. The tide will flow in, and, by opening the gates and letting the water flow out rapidly, the sewer will be cleaned out.

By Mr. ROOSEVELT:

Q. Would you have advised the making of the F street improvement if you had been consulted before it was done?—A. I cannot answer that question. If I had been required to go on and examine as to its benefits and advantages to the property, I would have had to call upon some experts, and would have required time to consider the matter and to come to a conclusion. Part of the cutting down of F street was determined upon after the cutting of Seventeenth street, and was made necessary by it.

WASHINGTON, *February 7, 1872.*

HENRY D. COOKE, governor of the District of Columbia, was sworn, and the following interrogatories in writing were put to him, with a request that he should prepare answers thereto and submit them to the committee at a subsequent meeting.

WASHINGTON, D. C., *February 6, 1872.*

SIR: The undersigned respectfully request that the governor of the District of Columbia be directed to furnish to your committee forthwith, or at the earliest time practicable, a written statement, under oath, of the affairs of this District, covering the following points, viz:

1. The cost of the two registrations made for the April and November elections, specifying the items in each case, together with a statement of the reasons for holding two elections in one year.

2. What buildings have been hired for the use of the various branches of the District government; at what rent each, and what the cost of fitting up and furnishing each, with a statement of the authority under which such buildings were hired, fitted up, and furnished, giving the reasons also why the city hall was not used until other quarters could lawfully be obtained.

3. The amount of work contracted for previous to November 22, 1871, under what law authorized, the total amount of money specified in these contracts, and also total cost of all other work contracted for since November 22, 1871, whether by verbal or written contract, in each case specifying the name of contractor, the cost of work under each contract, and amount not executed under each contract, the nature of the work, and the locality clearly defined where the work has been or is to be performed under such contract.

4. What offices have been created by the legislature, and at what salaries each, what by the board of public works, and what by the board of health, with the name of the incumbents, and the salaries attached to each, and by what law authorized.

5. What amount has been appropriated for contingencies; what amount has been expended under such appropriations, and for what purpose, giving the items.

6. In how many newspapers has the corporation advertising been ordered, the names of such newspapers, with the amount paid or due each, covering the whole cost of advertising ordered by the various branches of the District government; to include also all job printing, by whom done, and at what cost; the whole expense of advertising the four-million loan bill, the interest bill, and the Piedmont Railroad bill, to be made up separately, with the number and names of the newspapers in which they were advertised.

7. The total expense of the District government up to December 31, 1871, with

approximate estimate of cost up to June 30, 1872, giving the amount of salaries, contingent and judicial expenses, schools, police, fire department, &c., separately.

8. The object for which tickets in the negative on the four-million loan bill were required to be headed "Against special improvements."

9. If an advisory board of engineers has been appointed by the board of public works; and if so, the names of the men composing said board; and if the work on the Washington canal, the Missouri avenue sewer, and other improvements, are being executed with the advice and approval of said advisory board.

10. The number of laborers in the employ of the corporation and in the employ of contractors on corporation work at the time of the late election.

11. If the various funds of the corporation have been kept separate and distinct, as required by the third section of the act of Congress approved July 7, 1870.

12. The amount of claims held against the old corporations of Washington, Georgetown, the levy court, and the new District government by First National Bank, whose president is governor of the District, and which is made the depository for corporation funds, giving the rate of discount at which said claims were bought.

13. The amount of the corporation of Washington sinking-fund that has been held by the First National Bank, giving the length of time said bank has held said deposits, and whether it has paid interest upon the same; and if so, how much. Also, the amount of funds belonging to the present District government now on deposit in said bank, and whether interest is paid upon the same.

14. Whether any part of the four-million loan, under either of the two acts of the legislature providing for the same, has been hypothecated or sold; and if so, to whom and what amount.

15. The total cost of the P street bridge, giving the cost originally contracted for, and the reason why the contract was changed; also, why Seneca stone was substituted in the place of blue-stone for the coping of said bridge, and the cost per yard of said Seneca stone coping.

16. The cost of the change of grade, building of bank-walls, stone steps, relaying of footwalks, lowering of pipes, paving of carriageway and alley on F and other streets west of the War Department and south of Pennsylvania avenue, giving the law and appropriation under which said work is being executed.

17. If the board of public works, or any member thereof, is or has been paid a salary out of the fund of the corporation, in addition to the salary paid said board by the General Government; and if so, the amount of such salary, and the law under which it is paid.

18. If secret agents are employed by the governor or board of public works; and if so, for what purpose, and at what salary, giving the amount paid or due said agents, the names and number of those so employed, with the law authorizing their employment.

19. If contracts have been directly or indirectly awarded to detectives in the employ of and drawing pay from the corporation; and if so, the name or names of such detective or detectives, and the amount of contracts so awarded.

20. If refreshments and intoxicating liquors were furnished to the board of registration at the expense of the corporation, either at the April or November elections; and if so, the cost of such refreshments and liquors, and the name of the party or parties that furnished them; also, if intoxicating liquors were allowed to be used at any of the voting precincts at the late election.

21. Whether any officers or employes of the corporation were appointed and acted as commissioners at the late election; and if so, why such appointments were made over a special act of Congress approved June 21, 1870, forbidding the same.

22. The amount paid by the corporations of Washington, Georgetown, and the levy court for salaries, printing, contingent and judicial expenses during the fiscal year ending June 1, 1871.

We have the honor to be, very respectfully, your obedient servants,

BEN. E. GREEN,

J. J. COOMBS,

Counsel for the Memorialists.

Hon. H. H. STARKWEATHER,

Chairman Committee on District of Columbia, House of Representatives.

WASHINGTON, February 7, 1872.

BARTHOLOMEW OERTLY sworn and examined.

To Mr. GREEN. I am an architect and engineer. This is my signature to these two papers, (a list of contracts made or extended since August 11, 1871, and a list of contracts let under the act of the legislature, approved August 11, 1871.) The difference

between the two lists, as I understand it, is, that there was only a specific sum of \$500,000 appropriated for improvements, and the contracts were not to exceed that sum. I have very little knowledge about that matter. I just estimated the contracts which were handed to me for preparing estimates, and that is the object of the list.

Question. I see that you certify that this is a total of extended contracts and contracts entered into since August 11, 1871; do you mean to say that this is all the contracts entered into?—Answer. In addition to the other list.

Q. I see here that you estimate the bridge on Rock Creek, from M street to Bridge street, at \$35,500; what do you mean by that sum, and what is it intended to represent?—A. It represents the iron structure of the bridge proper and the two abutments and the pile foundations.

Q. That is to be an iron bridge?—A. Yes; with stone abutments.

Q. Is this sum two-thirds of the cost, or is it the whole cost?—A. There are various columns there representing the two-thirds cost, the one-third cost, and the total cost.

Q. Is not the one-third, to be paid by the tax-payers, as much a part of the cost as the two-thirds that is to be paid out of the general fund?—A. That is a question which I do not know anything about. I can only say that that is the estimated cost.

Q. The estimated cost of this is \$490,483, but is not the real cost \$614,000?—A. Certainly; I so state it there. That is the gross estimate. How you manipulate the one-third I do not know.

Q. I understood you to say that the appropriation was limited to \$500,000.—A. I believe it was restricted to that. I did not read the act carefully.

Q. I find on one list of contracts a total amount of \$614,525, besides those lower items.—A. Yes.

Q. And on the other list the total amounts to \$436,051.—A. Yes.

Q. Taken together, what do these sums amount to; do they exceed or fall short of \$500,000, the amount of the appropriation?

Mr. CHANDLER. All the contracts made until the injunction was dissolved amount to less than \$500,000. Of course the two will amount to more.

Mr. ELDRIDGE, (to Mr. GREEN.) Does one of those lists show contracts to the amount of less than one-half million?

Mr. GREEN. Yes; the list of contracts let under the act of the legislature approved August 11, 1871, shows less than half a million. (To the witness.) These papers contain all the contracts that have been given out?—A. They do.

Q. I find on this one, (the contracts made or extended,) a number of contracts extending from No. 1 to No. 213; were so many contracts given out?—A. No, sir.

Q. How were the numbers arranged?—A. The number is continuous, whether contracts are canceled or not.

By Mr. WILLIAMS:

Q. The contracts are numbered consecutively?—A. Yes, sir. There are a number of contracts which never were executed and never will be executed.

By Mr. GREEN:

Q. Point out on either of these papers the work done by Mr. Vandenburg on F street, west of Seventeenth street, and the streets connected with it.

Mr. CHANDLER. The work done by Mr. Vandenburg on F street is not on that list. The circumstances of that particular work are stated in Mr. Forsyth's letter.

Mr. CHIPMAN. Will not the responses of Governor Cooke to the question submitted to him cover this point?

Mr. GREEN. No, sir; I think not. We called for information as to the total amount of work done under contract or not under contract, and these papers profess to give it. This paper goes on to say, "Work done and progressing under orders, and for which formal contracts are in course of preparation." I call the witness's attention to this sentence, and ask him how it was originally before the erasures and interlineations were made.

WITNESS. I do not know exactly. I think it was "statements for which no contracts were made."

By Mr. GREEN:

Q. And that was afterward erased and this interlineation made so as to make it read, "for which formal contracts are in course of preparation." Therefore, these papers pretend to give us the whole amount of work under contract and work without contract. I ask the witness to show us where this F street work comes in, because I cannot find it?

WITNESS. It is not in here.

Q. Do you know P. Cullinane?—A. Yes.

Q. Has he the contract for macadamizing Four-and-a-half street, from Maine avenue to the arsenal?—A. I know the work was awarded to him, but whether the contract was executed or not I do not know.

Q. Has he done any work there?—A. Not to my knowledge, in macadamizing.

Q. What was the cost of the work?—A. A dollar and a half per yard.

Q. Do you know how many yards there were?—A. No, sir. I never made the calculation.

Q. Is that the plan of the board of public works for the execution of that work; and is that the item [exhibiting paper to witness] awarded to P. Cullinane?—A. That I cannot say. From the list it would appear it was not.

Adjourned until the 8th of February.

IN THE MATTER OF TIBER CREEK IMPROVEMENTS, &C.

WASHINGTON, D. C., *February 8, 1872.*

PHILLIP KEARNES sworn and examined.

To Mr. GREEN. I live on L street, between Twentieth and Twenty-first streets.

Question. State whether that [handing witness a paper] is a communication that you received from the board of public works.—Answer. Yes, sir; that is the answer that I got to the letter I left there.

[Letter read in evidence.]

By Mr. ROOSEVELT:

Q. What sewer is that?—A. The Slush Run Sewer, on L, leading into Rock Creek. They are now laying brick on L street, between Twentieth and Twenty-first.

By Mr. GREEN:

Q. What is the objection to the manner in which that work is being done?—A. In the first place, they don't put enough cement in the wall. They just poured a little cement down into the bottom of the sewer, and dug up the slush there, and mixed it with the cement, instead of getting sand. I made a remark about it, and I wanted my neighbors there to go and see the board of public works about it, and not to allow a wall to be built in that way. I stood by and saw where they put no cement at all in the back part of the wall; they wouldn't be let do it. I can count five stones there on top of one another without a joint being broken.

Q. Has any of that work fallen in?—A. Yes, sir; in or about thirty yards, as near as I can guess; I made a complaint to Peter Cassidy, on the corner there, (he owns a brick house there,) and he said, "Never mind, if it falls in, it will not be any expense to us; the board of public works will build it again."

By Mr. HARMER:

Q. Has he anything to do with the board?—A. No, sir.

Q. Is he employed by them in any capacity?—A. He is employed by the Government—not the territorial but the regular Government.

Q. Has he any authority to speak for the board of public works then?—A. Not that I know of; he is a clerk in the Treasury.

Q. What he said to you was on his own individual responsibility?—A. Yes, sir; I told him that the cost of the sewer would come on the property-holders, and he said no, it would come on the whole city. He said he knew it wasn't a sufficient wall; but let it fall; it would come on them.

By Mr. GREEN:

Q. State whether any man or men have been turned off the work because they objected to the insufficiency of the mortar?—A. That gentleman [pointing to a man in the room] told me that he was turned off in consequence of speaking of the mortar. They said, "Never mind the mortar—lay the stone." I requested the board to send up a few men, and I would show them the difficulty in the sewer—that the mortar was nothing but mud, with a little cement mixed with it, and the stones, too, were very poor, light stone. The men didn't get time to put up a proper wall.

Q. At what season was it being built?—A. Pretty much all winter. They are laying brick now except wet days and snowy days. The men also took up the curb-stones along the side-walks and put them in the wall.

To whom did the curb-stones belong?—A. To the property-holders. I asked about it, and they told me they would take mine too, and I said, "Go ahead, if you have a right to do it."

Q. Who is the contractor?—A. I don't know, sir. This man Strong says he is the contractor; but I have heard from others that, if they have to sue him for their wages, they find out he ain't, and that they can't get anything out of him.

Q. Who appears to be the man in authority directing the work?—A. There was a man named Brown who said he was head inspector; but now Brown is put out, and I

believe Mr. Myer—there came a gentleman there who said he was head inspector, and I called his attention to the wall. He himself went down and examined the mortar, and he told Brown that it was not sufficient mortar to go into a wall. His name was Doctor something—I forget it. He has something to do with the board of public works, and he was appointed by them, I believe, as inspector of sewers. He went down to the brick-work, and took out some of the mortar, and he says to Brown: "Hold your hand, sir; do you call that cement to put in a brick wall?" Said Brown, "It is good enough." Says he, "It is not good enough." "Well," said Brown, "we are short of cement here anyhow." "Well," says he, "that is no reason you should build a wall in that way." There were two other men listening to the same words.

By Mr. HARMER:

Q. Who is Brown?—He is a man appointed by the board to superintend the construction of that sewer.

Q. Do you know that to be the case?—A. Brown said so.

Cross-examined by Mr. CHANDLER:

Q. Are you a mason?—A. No, sir.

Q. What amount of cement appeared to be used there in proportion to the sand?—

A. I can't tell you. I don't suppose there was one shovelful to five of sand—and I can't call it sand either; it was slush.

Q. How much should have been used?—A. One-third of cement would do.

Q. Would that be enough?—A. I don't know that it would be enough; but it would be better than what they put in.

Q. What is your impression as to what would be enough?—A. One barrel of cement to two barrels of good sand.

Q. You think it would have been enough if there had been one-third of cement?—

A. Yes; and if they gave the men time enough to bed the stone properly in the cement.

Q. You think there was only about one-fifth used?—A. I don't think there was that; but I couldn't tell, because the men would pull the cement out of the barrel, and would take a shovel and throw it in when the mason would call for mortar.

Q. They didn't mix the sand and cement together?—A. They mixed it in the bottom of the sewer, and I heard the men saying that it wouldn't stay in the wall.

Q. How much did they mix at a time?—A. They mixed it scarcely as fast as it was used.

Q. How large a mass of it did they mix at once; a barrel full or two barrels full?—

A. Sometimes they would have none at all mixed, and the men would be hallooing for it.

Q. What is the usual quantity, a barrel, or two barrels, or half a barrel?—A. I never saw more than a barrel full mixed at one time in the bottom of the sewer.

Q. Not more than a barrel at the time, and of that not more than one-fifth was cement?—A. I didn't keep an account of it.

Q. Well, do you think there was one-fifth or one-third?—A. I cannot swear how much; but I remarked to the colored man: Says I, "My decent man, you are not putting in cement enough in that;" and I was ordered away from the work by Mr. Strong. He told me to go and mind my own business.

Q. Have you interfered much with the construction of the sewer?—A. Not at all; but it is going right past my house, and I saw in the papers that the board invited anybody to inspect it.

Q. Did you interfere there more than once?—A. No, sir; I went right down with my letter to the board.

Q. How much of that sewer has been constructed?—A. I don't know; I never measured it. They have come down in or about half way on L between Twentieth and Twenty-first streets. It runs down, I suppose, half way between Twenty-first and Twenty-second, and then turns across L and goes off away down through the field.

Q. You say about thirty yards have fallen in; about what proportion is that of the sewer that has been constructed?—A. I don't know. I am only telling you that it has fell in, and the board knows it.

Q. Where is that sewer to strike Rock Creek?—A. I don't know that.

Q. Not at the foot of L?—A. No, sir; it is pretty near T street.

Q. Describe how the sewer has fallen in.—A. The arch-work fell in—the sewer crushed right down.

Q. Has it been rebuilt yet?—A. Yes, sir; at first he couldn't get the men to go down to pick the bricks out of it, and he was afraid that the water would sweep the whole of it away. That was some time in December.

Q. Was there a heavy flood?—A. There was a right smart flood in the creek at that time; but it was the weight of the clay that did it.

Q. Had there been time for the mortar to get set before it fell in?—A. I suppose there was. They say that cement mortar ought to set in twenty-four hours. I don't

know whether it was the fault of the cement or the weight of the clay. I suppose that if the cement was good and the wall properly built it would not fall with all the weight of clay they could put on it.

Q. How long after it was constructed did it fall in?—A. I don't know how many days; it could not have been long.

Q. Did those twenty or thirty yards fall in all at one time?—A. No; about half of it first fell in, and then it kept dropping, dropping, and the longer they kept working the more it dropped. I believe it was standing three or four days before they got the brick picked out. At first the colored men refused to go in and take the brick out; but he said he would buy them India-rubber boots if they would go in, and then they went in.

Q. Did you examine to see whether the foundation was weak?—A. I did not. It was the brick-work that gave way.

Q. Did you examine to see whether the foundations which you say were laid in this insufficient mortar had given way?—A. No, sir; I didn't look at that at all. Where I am complaining of is in front of my house, between Twentieth and Twenty-first street.

Q. Did you look to see whether the foundations had fallen in, or only the bricks?—A. I didn't notice.

Q. When the sewer was being constructed did you examine the mortar in which the bricks were being laid?—A. I did. There was too much sand and not enough cement.

Q. Have you had any difficulty with the board?—A. No, sir.

Q. Have you been employed by them?—A. I never worked a day for them.

By Mr. CREBS:

Q. What is the size of that sewer?—A. I don't know exactly the size; it is not very large; it is not near as big as the one on Tiber Creek.

By Mr. HARMER:

Q. The part of this brick-work that fell in—were they working on that portion of the sewer at that time?—A. No, sir; they were working on the sewer, but not on that part. The first section they put up fell down as soon as they took the support out. That we didn't notice, because we didn't give it time; but we thought that would learn them a lesson. Then they built that up again and continued on up to the place called "The Butcher-shop," and there is where it fell.

By Mr. ELDRIDGE:

Q. You say you don't know the name of the contractor?—A. No; and I don't believe that anybody around there can tell the contractor's name. Sam Strong says he dropped the contract, and he supplies the mortar, and sand, and stone, and cement, and hires the men by days' labor.

Q. Where does he live?—A. I don't know. He is in the city himself; but I don't know whether his family is or not.

Q. Is that sewer concluded now?—A. No, sir; he is working on it yet. He is the superintendent, or contractor, or something; but I know that he can get no brick on his own word, unless the board furnishes it.

Q. How deep is that sewer?—A. To the best of my opinion, the wall is about 3 feet wide and 4 feet high.

Q. Was it arched over before it fell?—A. Yes, sir.

Q. What did fall?—A. The brick-work. The brick-work is on top of the stone, and forms the arch. I did not see any of the stone-work falling in.

Q. The walls did not give way?—A. No, sir; not there.

Q. Did any portion of the brick wall give way?—A. No, sir; I have not seen any.

Q. How many thicknesses of brick were there in the arch?—A. Three, I believe. He had bricklayers there that asked \$1 50 a day; they could not work for less, because they belonged to a society.

Q. Did you ever lay brick?—A. No, sir; and I never worked a day on his works or for the board of public works.

Q. Did you ever mix cement?—A. No, sir; but I have been boss upon the sewer going up the avenue from the War Department.

Q. Do you know the quantity of sand and cement that ought to be put together in order to make a good mortar?—A. If you put one barrel of cement to two of sand it will do.

Q. Is there such a thing as getting too much cement in?—A. I don't know but there is.

Q. If you used all cement, would that make a good wall?—A. No, sir; sand is necessary.

Q. Then there is an exact proportion of each which is necessary to make it good?—A. Yes, sir.

Q. Do you know how much that is?—A. I told you that about one barrel of cement to two of sand would do; but a little more cement might do better.

Q. Which would make it the best, in your judgment?—A. One barrel of cement to two barrels of sand would be sufficient, in my judgment.

Q. How would it work with one barrel of cement to one of sand?—A. I can't answer that; I don't know whether it would be better or worse. I know it is better to mix some sand with it. If you put too much sand in it will spoil it; but if you put too much cement it will not spoil it.

Q. Still you think it would spoil it to use all cement?—A. I am not a stone-mason; but I think it would be better mixed with sand; that is to the best of my belief.

Q. All cement would not make a good wall?—A. I don't think it would make a better than mixing it with sand would.

JOHN NORMAN, sworn, testified:

I am a stone-mason; I live in Washington, at 1701 Nineteenth street; I was employed on the Slush Run sewer; it ain't being half built; it is only pitched in. The main objection to the manner in which they are doing the work is, that the men don't get time to do it right. They work up the mud into the mortar with no cement, or very little. I can't tell who is the contractor. It is mixed up, so that no one can tell. Mr. Strong seems to be managing or superintending the work.

By Mr. GREEN:

Question. Have any of the men working there complained that they were not furnished with proper materials?—Answer. Yes, sir.

Q. What was the result?—A. The result was that they didn't want them there; that was all.

Q. Were they dismissed?—A. Yes, sir. I was dismissed on that account.

Q. Has any part of that work fallen in?—A. I have seen none of the stone wall fallen in; but the brick-work I have. It hasn't time to fall in yet until the water washes through it and washes out the mud; but then it may fall in. The frost holds it together now.

By the CHAIRMAN:

Q. Is the same cement used for the stone-work and the brick-work?—A. That I can't tell; I haven't had anything to do with the brick-work.

Q. Is that the usual way in such work?—A. It is. It appears that it is the same cement that is used for both.

Q. Did you work on the stone-work?—A. Yes, sir.

Q. Did you mix your own cement?—A. No, sir; we had a man there to do that.

Q. What was his name?—A. That is more than I can tell you. I suppose he lives here in Washington. He is a gentleman of color. I was right by the pile where he dumped it down in the bottom of the sewer with the slush and everything.

Q. What length of the brick-work fell in?—A. I never measured it; it may be thirty yards, or more or less.

Q. Was that afterwards rebuilt?—A. Yes, sir; right away, as soon they could do it.

By Mr. CHANDLER:

Q. Who employed you?—A. Mr. Strong.

Q. And paid you?—[No answer.]

Q. How long did you work?—A. Only a day and a quarter. I told the man who was working close to me, "Put a little cement in that; it won't adhere to the stone nohow." Said Strong, "Never mind; I will attend to that." It was Mr. Strong that discharged me. He came to the work and said I was not putting in stone enough to suit him; "And," says he, "you will have to leave here at 12 o'clock." "O," says I, "I needn't stay here till 12 o'clock." So he paid me.

Q. Were any other men discharged at the same time?—A. Not that day; but there was a man discharged a day or two after on the same account. There were three more masons engaged in laying the stone-work beside me. One of them is here now, Mr. Brown. The one that was discharged a day or two after me was Mr. Dalton. I don't know whether Brown was discharged or not.

Q. Who were the other three that worked there besides yourself?—A. I didn't learn their names.

Q. Did you complain to them that the mortar was not sufficient?—A. No, sir; I didn't complain to anybody. I just walked away.

Q. Do you know what proportions of sand and cement were used?—A. I don't know; but Mr. Strong told him to put four or five barrels of sand, he called it—I call it mud—to a barrel of cement. I heard him tell him that. I don't know who the man that mixed the mortar was. I saw him mix it. They dumped the cement down off the bank into the bottom of the sewer, and mixed it up right there. I could not see what proportions of sand and cement were used; I cannot swear to the proportions.

Q. Do you know that there was not a barrel of cement to two barrels of sand?—A.

No, sir; nor one barrel of cement to four barrels of sand. There was no sand, but very little; it was mud.

Q. It was sand and water?—A. Yes.

Q. Do you think the man put in more than one barrel of cement to four barrels of sand?—A. I don't think he did.

Q. What proportion ought he to put in?—A. Two to one makes excellent mortar for rubble-work.

Q. Have you ever been employed by the board of public works at any other time?—A. No, sir.

Q. Have you applied for work ever since?—A. I have been working since, but not for the board. I am working now for an individual, putting up a cellar, when the days are fit for work.

Q. Did Mr. Strong give you any other reason for discharging you?—A. No, sir; I didn't ask him no questions. I saw there was rascality in it and I walked off.

By Mr. CREBS:

Q. You say this mortar was just in the bottom of the sewer; how in the bottom?—A. It is planked on the bottom, but the slush ran in from the banks.

Q. Was it entirely mud, or water and sand, that ran in?—A. There was sand and mud.

Q. Did they haul any sand there?—A. I see piles of sand on the streets now.

Q. Did you see any at that time?—A. No, sir; I didn't see any hauled then.

Q. Do you say that they just threw the cement down in the mud and mixed it up, and that then you used it immediately?—A. Yes, sir, immediately.

By Mr. CHIPMAN:

Q. Isn't the bottom of that sewer planked?—A. Yes, sir.

Q. It was on the bottom that they mixed this mortar?—A. Yes, sir; while I was there; I don't know how they did since or before.

Q. Give your reasons for complaining that the mortar was mixed in the bottom, instead of up on the bank.—A. My reason is that they did it because it would last longer down there. If they had it on top of the bank, they would have had to buy sand and pay for heaving it; but down there they didn't have to pay for it; it was washed in.

Q. It was mixed on the boards?—A. Yes, sir, what mixing it got; it was only a little shoveling.

Q. It was used on the wall right from the plank?—A. Undoubtedly it was.

Q. Wasn't that as good as if it was mixed on top?—A. Yes, if it was mixed properly.

Q. Then your objection was to the manner of mixing, and not to the place?—A. The place would do very well if you had the right materials to mix.

JOHN BROWN, sworn, testified:

I am a stone-mason; I live on L street, between Twenty-first and Twenty-second; I have been employed on the Slush Run sewer.

By Mr. GREEN:

Question. Is that sewer being substantially built, or are there any defects in the manner of building it?—Answer. A portion of the brick-work fell in after I went to live there.

Q. Do you know the cause of its falling in?—A. As far as I can learn there wasn't sufficient cement used in the building of it.

By Mr. CREBS:

Q. Did you work on it?—A. Yes, I worked there.

Q. Do you know what kind of material they used?—A. The cement part was very poor. It was mixed, as the other men have said, in the slush; and the cement they worked there the last time was not sufficient. One-third cement and two-thirds sand would not be sufficient to make good mortar. That cement was very poor; you could let it stand over twenty-four hours and then it would not set. It was that black cement; I don't know where they got it from.

Q. How was the stone wall built?—A. With the slush in front of it and none on the back of it. They would keep telling us not to put so much stuff in the front of the wall; that the water would run through.

Q. Was there plenty of cement used in the stone-work, if it had been good?—A. There was plenty in the front but none in the back.

Q. Was it necessary that any should be put in the back?—A. Certainly; because if any wet came against the back it would put the front out.

By Mr. HARMER:

Q. Was the water running in while you were at work on that wall?—A. Very little, because the bottom of the sewer is floored with plank.

Q. Where was it coming from?—A. It was coming all along the sewer.
 Q. There was none running down from the bank?—A. Not at that time.
 Q. Did you see any sand there at all?—A. No sand; but the slush in the bottom of the sewer.

By Mr. ELDRIDGE:

Q. Is there sand on the banks?—A. No, sir; nothing but fuller's earth.
 Q. What was the slush composed of?—A. It came along from the other part of the branch leading into it.
 Q. Was all that was put in with the cement flooded along with the water?—A. Yes, sir.
 Q. Then they could not have got a great quantity of it?—A. Yes, because after completing it they had to throw the balance of it right up on the top of the bank.
 Q. Then it was what *caved* in, not what was carried in?—A. Both together; there was over a foot of mud.
 Q. How much water was there running?—A. Sometimes it might be between 4 and 6 inches deep, and sometimes maybe between 3 and 4 inches, under the plank.
 Q. Was there any sand in that slush?—A. There might be a little. I couldn't state exactly how much.
 Q. How wide is the ditch on the bottom?—A. I am not certain whether it is 8 or 10 feet inside of the walls.
 Q. Are you a regular mason?—A. Yes, sir.
 Q. You understand the art of mixing mortar?—A. I do.
 Q. What proportion of cement does it require?—A. One of cement to two of sand; that makes good mortar; but it won't do unless the cement is good; if it is good it will make substantial work.
 Q. What was the matter with this cement?—A. I don't know; the last cement would not set at all. Another thing the water would keep running through this mud all the time.
 Q. What was the matter with the cement itself?—A. I don't know. I don't know what kind of cement it was, nor where it was made.
 Q. Was it brought there in barrels?—A. It was.
 Q. Did you see any loads of sand?—A. Not one bushel. The sand was got along the banks while I worked there; there wasn't a bushel of sand used in that mortar while I worked there.
 Q. Did you make any complaint about it to anybody?—A. No, sir; only to the foreman when he checked me about putting too much in the front of the wall. I told him that if the cement was strong enough it wouldn't let the water run through the work.
 Q. How long did you work there?—A. Four days.
 Q. Did anybody turn you off?—A. No, sir; I went off myself. I left because I had a little trouble in getting my money, and when a man works for his money he ought to get it when it falls due.
 Q. Did you leave because the work was not being done well?—A. I did not.
 Q. Did you see the brick-work that fell in?—A. Yes, sir.
 Q. Did any of the stone-work fall in?—A. No.
 Q. Did any of the work that you did fall down?—A. No; no brick-work has been laid on top of that. I worked there about the middle of last month.
 Q. You didn't tell anybody that the cement was not good?—A. I did—a heap of the neighbors around there.
 Q. Did you tell anybody connected with the work?—A. I told Mr. Rusk, a kind of foreman there, when he checked me for the water being running in; he told me not to put in so much mortar, and I told him that if the mortar was made right the water wouldn't run in. I didn't tell anybody else about it.
 Q. Did the men there on the work talk about this matter?—A. Yes, sir.
 Q. Did they all agree that there was not sufficient cement?—A. They did; I don't remember the names of the other men, but I would know them if I saw them again.
 Q. Then all the trouble was that the cement was not good?—A. Yes, sir.

By Mr. HARMER:

Q. I understand you to say that, as you were building that wall, the water would wash out the cement or mortar?—A. Yes, sir; the cement was not strong enough to retain the water, and it would work right through.
 Q. Do you know who has the contract for doing the work?—A. I do not, any more than Mr. Strong employed me and paid me.

Cross-examined by Mr. CHANDLER:

Q. You say you worked four days and left because you couldn't get your pay?—A. Because I had difficulty in getting my pay.
 Q. Whom did you ask for it?—A. Mr. Strong and Mr. Rusk. It fell due on Saturday night, and I didn't get it for four days afterwards. I went to work there on Wednesday, and I worked to Saturday evening.

Q. You worked four days, ending on Saturday evening, and then you wanted your pay and didn't get it?—A. Yes, sir; Mr. Strong pledged his word when we were going to work to pay us regularly every Saturday night.

Q. And because you couldn't get your pay on Saturday night you left?—A. Yes, sir.

Mr. GREEN put in evidence some documents received from the counsel on the other side, which he said the committee would see were mere blank forms of contract.

Mr. CHIPMAN asked whether that was all that had been furnished.

Mr. GREEN said they were all that had been furnished on the first demand.

Mr. CHANDLER said that his side had furnished a list of all the contracts and stood ready to produce the original of any special contract to which attention might be called.

Mr. ELDRIDGE remarked that these were evidently given only as specimens of the contracts.

CHARLES STOTT, sworn and examined, testified :

I am a druggist; I reside 325 Missouri Avenue.

By Mr. COOMBS :

Question. Does the Missouri Avenue sewer run past your premises?—Answer. It does.

Q. Have you examined that sewer?—A. No, sir; I have looked into it sometimes.

Q. What is the level of that sewer in reference to tide-water, so far as you can judge?—A. I don't know.

Q. What sewers from the back part of the city empty into that Missouri Avenue sewer?—A. There is a sewer that runs down Third street, and one that runs down Four-and-a-half street, and one on Sixth street. They have gone into the canal up to this time, and I suppose they go there yet, as the new sewer has not been opened.

Q. But the canal has been filled up where those entered.—A. I suppose they go there yet. We have a sewer in an alley, from Third street to Four-and-a-half street, and have had for the last five or six years. That drains the premises on that square.

Q. Was there any necessity for this sewer in Missouri avenue, so far as the property on that square is concerned?—A. Not that I know of; and since I have been summoned here I have inquired of the neighbors along there, and they all say they could do without it.

Q. Does any of them intend to drain into that sewer?—A. I can't tell; they will be obliged to do it probably after a while, if they don't now.

Q. These sewers that come down Third, Four-and-a-half, and Sixth streets, what portion of the city do they drain?—A. I don't know how far they extend.

Q. Have you any knowledge of the sciences of hydraulics and hydrostatics?—A. No, sir; very little.

Q. You have observed enough, undoubtedly, to form some opinion on the proposition I am going to submit to you. Now, suppose the Missouri Avenue sewer carried on a dead level to Easby's wharf all the way, and all the sewers that come down from north to south emptying into it; and suppose that, when the tide is in, it fills that sewer to within a foot or 18 inches of the top, what would be the effect upon it in time of heavy rains, with all this water from the back part of the city coming down those other sewers and emptying into that? Could it, especially when the tide was filling the sewer to nearly the top, discharge the water from all those other sewers into the river?—A. I doubt very much whether it could, for I have known when this culvert under the avenue was filled and didn't take all the water. The water spread over the banks of the canal.

Q. Well, if the water could not flow out as fast as it flowed in by those sewers, would not the effect be to set the water back into all the cellars and basements of the houses on the lower ground connected with those sewers?—A. I should think it would.

Mr. CHIPMAN. I would value the testimony of the witness more if you would let him state the effect himself.

Q. Well, if you have any opinion as to what would be the effect in time of floods, with heavy rains flooding all the sewers that empty into that sewer—if you have any opinion as to what would be the effect of this and high tide occurring together, as to the setting back of the water into these sewers, please state it.—A. I suppose the water would overflow all that section of the city. I don't know, of course, to what extent it would do so, but evidently it must flood it.

By Mr. CRANE :

Q. Do you ever expect to tap that sewer while the sewer in the alley remains?—A. That is a question; if they fill our sewer up, as they may, at Third street where the back sewer comes round, I suppose we will have to tap this sewer.

Q. As long as you have drainage by the sewer in the alley, do you intend to use the other?—A. We intend to use what we have as long as we can.

Q. Do you recollect what you paid for the sewer in the alley?—A. About \$150 or \$160.

Q. That was when the property was assessed entirely for the cost of the improvements?—A. It was so much a foot for the property you owned. I think it was \$4 a foot.

By the CHAIRMAN:

Q. In what alley is that old sewer?—A. It runs between Pennsylvania and Missouri avenues, between Four-and-a-half and Third streets.

Q. Where does the old sewer begin and empty?—A. It empties into Third street and the canal. It commences at Four-and-a-half street and runs down and empties into the canal at Third street.

Q. What is the capacity of that sewer?—A. I don't know. I have seen it, but really I can't say.

By Mr. CRANE:

Q. Can you state how long the street has been obstructed by the building of that sewer?—A. I suppose about three months.

Q. Are you able to get to your house with a carriage?—A. Not with a carriage. The dirt that has been thrown from the sewer in making it reaches from curb to curb. There has not passed a carriage along there for three months.

Q. What is the condition of the street now?—A. Well, a carriage can go past, but it is muddy. I do not know why the dirt has not been removed.

By Mr. CHANDLER:

Q. Your dwelling faces Missouri avenue?—A. It does.

Q. What is in front of Missouri avenue?—A. A continuation of the Botanical Garden.

Q. The sewer that you now use runs into the canal?—A. Yes, sir.

Q. Suppose the canal to be filled up, then it is necessary to have some other outlet for that sewer, and also for the sewers coming down Four-and-a-half and Seventh streets?—A. I suppose so.

Q. And if the canal were to be filled up without providing this Missouri avenue sewer, or some other, that locality would be flooded with the water from the upper part of the city?—A. Probably so, to some extent.

Q. You say you have known the canal to overflow and back water out on the Missouri avenue?—A. Yes, sir.

Q. I suppose that no system of sewerage, or any disposition that can be made of the canal, will prevent the flood from covering that section of the city?—A. I don't know, sir.

Q. How often have these high floods taken place?—A. Well, I have known it once when the arch on the avenue over the Tiber was injured. I don't remember just when that was; but it was a number of years ago.

Q. Have you ever known the water to come up on Missouri avenue?—A. Repeatedly. At this time of year, when there has been a snow and a freshet coming down, it has backed up on the avenue.

Q. Every year or two?—A. I cannot say that, but a number of times.

Q. Do you know any way to prevent that?—A. I do not.

Q. Have you regarded the canal as affording adequate drainage for your section and the section above the avenue?—A. Not lately; but when it was kept open it was.

Q. How have you regarded the canal; as an advantage or a disadvantage to your property?—A. I suppose rather as a disadvantage in the condition it was kept in.

Q. Are you in favor of having it filled up, or kept open?—A. I suppose we would rather have it filled; that is, if everything can be arranged.

Q. If it is filled it will be necessary to have a sewer to take its place?—A. I suppose so.

Q. Do you know any way of constructing a sewer for that purpose better than to construct it up Missouri avenue to Sixth or Seventh street, and then up North B street until it finds an outlet in the Potomac?—A. I don't know, sir.

Q. Can you suggest any better way?—A. I don't consider myself at all a judge; I have not paid attention to such matters.

Q. You do not come here as an expert, but as a resident, a property-holder, and an observer in that vicinity. Now, can you suggest any better way, if the canal is to be filled up?—A. I don't know that I can.

Q. A sewer can be run in the open street there all the way; there will be no removal of buildings or construction of the sewer under buildings?—A. I don't know; but I suppose not.

Q. You do know that it can be carried up Missouri avenue and along B street without going near any building?—A. Yes, sir; no nearer than the middle of the street.

Q. Do you know anything about the tides here?—A. We have tide-water in the canal.

Q. It rises and falls some 3 or 4 feet?—A. I don't know.

Q. Mr. Coombs has supposed the high tides and the sewers closed by the tide; do you know what the duration of the high tide is?—A. No, sir.

Q. Well, if the water couldn't flow out at high tide it could at low tide?—A. Of course.

Q. Would not the low tide leave this sewer that is now being constructed empty?—

A. I don't know. As it goes along now it leaves gravel and dirt, and it may fill up.

Q. But will not the water run out at low tide?—A. I suppose it will, if it be open.

Q. He said that if the sewer were filled at high tide, the water that comes down from those lateral sewers would not flow out; but it will flow out at low tide, won't it?—

A. I suppose so.

Q. Do you know any reason why at low-tide the water coming down those lateral sewers from the upper part of the city won't keep this sewer clear?—A. That I cannot answer. I know that the water coming down leaves a deposit all along and gradually fills it up.

Q. But, if the current is strong enough, it will carry it off?—A. I suppose so.

Q. Has not the canal been considered an unmitigated nuisance for the last five or six years?—A. Well, yes, sir.

Q. Has it done any good at all to anybody?—A. I don't know that it has—that part of it.

Q. Has it not been productive of disease in your vicinity?—A. No, sir. Missouri avenue is as healthy as any other part of the city of Washington. It has been spoken of by non-residents as being unhealthy, but that is a mistake.

HORACE S. JOHNSON, sworn and examined, testified:

I am a saddler. I reside at No. 305 Missouri avenue.

By Mr. CRANE:

Question. This sewer that is spoken of is being constructed in front of your premises?—Answer. Yes, sir.

Q. Have you ever examined it?—A. Yes, sir, frequently; but I do not remember the exact size of it.

Q. Do you know what the level of the bottom of that sewer is with reference to low tide—whether it is above or below low tide?—A. I can't say positively as to that; but the sewer seems to be perfectly flat; there is no drainage to it. It seems to be two-thirds full of water now.

Q. Do you know what sewers empty into it?—A. I do not know of any at this time.

Q. Do you know what sewers are to empty into it?—A. I do not; they may turn the course of it, and that may cause some to empty into it.

Q. But the sewers on Third and Sixth and Four-and-a-half streets must necessarily enter into it or cross it?—A. I should think so.

Q. Do you know anything about the extent of country these sewers drain?—A. I do not know how far those sewers extend. They seem to extend beyond Pennsylvania avenue.

Q. Have you ever noticed the amount of water that runs down those sewers in case of heavy rains?—No, I have not particularly.

Q. If that sewer should be constructed westward on the same level, until it connected with the river at some point—up at Easby's wharf, for instance—and all those lateral sewers emptied into it, what, in your judgment, would be the effect upon the property on the low ground, in time of ordinarily heavy rains, as to filling that sewer?—A. I should think that sewer would be insufficient. I judge from its being perfectly level, and I don't think the water will pass off.

Q. Do you know the fact that a level sewer of that kind, emptying into a level sheet of water—supposing that sewer to be on a level with the low tide—do you know the fact that the water would run very slowly out of a long sewer like that?—A. I should not think it would run at all; there is no drainage to it.

Q. It would gradually seek its level with the river?—A. I suppose so.

Q. Suppose that that sewer, instead of emptying into a level sheet of water, had a fall of 3 or 4 feet at its mouth, the water would run out of it much faster?—A. Of course it would.

Q. Do you need that sewer at present for the purpose of draining your property?—A. No, sir; it is an injury to me instead of a benefit. I have a very good sewer in front of my door that cost me \$125 a few years ago. Then I own some property beyond Four-and-a-half street, and I have got sewerage there, and also in the rear of my property, on Missouri avenue and Four-and-a-half street.

Q. If a residence on that avenue should tap the sewer, supposing it goes no further than Sixth street, what would be the effect of a flood coming down Third, Four-and-a-half, and Sixth street sewers, as to flooding up that sewer and the property connected with it?—A. I suppose that in case of a high tide it would work its way back to the cellars and basements, and cause a great deal of damage.

By Mr. CHANDLER:

Q. That would be the case without any drainage from above, if the canal filled up at high tide?—A. I have seen the canal overflow and come back into the cellars also.

Q. You have seen it flood the sewers that you now use into your cellars?—A. Yes, sir; it has happened frequently.

Q. What is likely to be the difference between the proposed sewer and the existing sewer with reference to flooding your property at high tide?—A. I think the new sewer, not having sufficient fall, would be two-thirds full of water all the time. It is so now.

Q. Has the outlet of that sewer been completed yet?—A. I have not examined the lower end of it.

Q. You don't know whether the bottom of that sewer is on a level with the tide or not?—A. I only judge from the way it is at my door.

Q. You have said you don't need this new sewer. Now, suppose the canal is filled up, what is to be the condition of your property there?—A. Then we must have another outlet. If they cut off the other outlet, we must have some other.

Q. What is your judgment about the filling up of the canal?—A. I think that if that canal could have been properly dredged, and the sewers running into it, it would have been better than the one we have now.

Q. But you regard it as indispensably necessary to dig out the canal from its present condition?—A. The canal could have been kept in very good order if the mouths of the sewers where they empty into it had been kept open. Of course you must either clean out the canal or build a new sewer, one or the other.

Q. And the condition of the canal has been very injurious to your property and all the property on that low ground there?—A. I cannot say that the canal has ever injured my property at all.

Q. Has not it affected the value of property there?—A. I think not, sir; but the mouths of the sewers were not properly cleaned out—

Q. Taking that state of things exactly as you have described it, has it not affected the value of property in your vicinity?—A. It has not up to this time, but it will if not changed.

Q. And it is absolutely necessary to the value of property, and to the health of that locality, to have something done to the canal?—A. I think so; but the sewers should certainly have been fixed where they empty into the canal.

Q. The only way to fix them is to dredge the canal out, so that the drainage from the sewers can be carried off?—A. I don't know any other way than to dredge the canal and the sewers.

By the CHAIRMAN:

Q. You speak about dredging the canal; what amount of filling has accumulated in it from below the Botanical Gardens to Fourteenth street; what depth?—A. I suppose from $2\frac{1}{2}$ to 3 feet.

Q. Ain't there 7 or 8 feet pretty much all along there?—A. I think not, sir. I remember when the canal was used for navigation for bringing coal and wood. That was four or five years ago, I think.

Q. Up about the Smithsonian Institute and the Agricultural Department it is very much filled up?—A. Yes, on one side; but on the other side it used to be so that a boat could pass. I remember shipping a large quantity of manure by the canal four or five years ago. I don't think the canal has been cleaned out for the last nine or ten years.

By Mr. COOMBS:

Q. Do you mean to say that the filling up of the canal from Third to Seventh street westward cut off the sewer that you now have?—A. The sewer that we now have enters into the canal at Third street, and the property on the corner of Four-and-a-half street and Missouri avenue goes down immediately to the canal by Four-and-a-half street.

Q. Four-and-a-half and Sixth and Seventh streets would be interfered with by the filling up of the canal?—A. Yes, sir.

By Mr. CRANE:

Q. You were asked whether, if there was a high flood in the canal, that would not have the same effect in backing water into the cellars there as the new sewer; now, if that canal was cleared out, would not that have the effect of carrying off the water more readily than this little sewer?—A. I have always thought so. I have always thought that if the canal was cleaned to its original depth it would be sufficient, and it might be used for commercial purposes too.

Q. It could not set back much if there was an open channel for it to run off in?—A. No, sir. The tide used to come in at both ends.

By Mr. CHANDLER:

Q. You say, then, that instead of closing the canal and building a proper system of sewerage, you are in favor of keeping the canal open?—A. Yes, sir; that is what I would recommend.

By the CHAIRMAN:

Q. As I understand it, there are three projects talked about. One is to fill in the canal, and have an ample sewer through it; another is to dredge out the canal to its former depth, and lay a sewer along it; and another is to keep the canal open entirely, and use it for commercial purposes. Now, to keep it open for commercial purposes, up at your place, would it not require an annual dredging?—A. No, sir; not an annual dredging, I think. If done properly, I think it could be made to go much longer than that.

By Mr. CHIPMAN:

Q. Do you know the comparative cost of building a sewer in the bed of the canal and in Missouri avenue?—A. No, sir; I have no knowledge of such things at all.

Q. If the canal is to be filled, or a sewer built on Missouri avenue, would there be any difference, practically, in the result upon the drainage, whether the sewer was laid in the bed of the canal, or along the avenue?—A. So far as I am concerned, I would prefer the sewer laid in the canal. I think it would be better.

Q. What is the distance from Missouri avenue to the canal?—A. At some places it is about one hundred yards, I suppose, and at others not so much.

Q. If the sewer was laid at the same level in the canal, would the water not back up as much as if it was laid on the same level on Missouri avenue?—A. It might be so; I think, though, that there might be what you call a cut-off across the mouth of the sewer to prevent it in case of a high tide.

Q. Suppose that at the time of the high tide there was also a rain-storm and a flood passing through those sewers, then shutting down the flood-gate would back all that water into your sewer, wouldn't it?—A. That might be so; but you don't often have a rain-storm and a high tide at the same time.

Q. You have a high tide every day?—A. O, yes; one or two tides a day.

Q. And you have high tides in the Potomac in the rainy season?—A. O, certainly.

Q. You cannot tell whether it would be cheaper to keep the canal open for commercial and sewerage purposes than to build the sewer that is now being built; have you made any computation, so as to be able to tell?—A. I have never entered into any calculation as to that; but it does seem to me that this is a more expensive operation than to keep that canal open; but I am not prepared to make any positive statement about that.

Q. Do you know anything about the effect of what are known as tide-sewers—a sewer running on a level which is flooded each day by the rising and falling of the tide?—A. I have very little experience in regard to sewers. I don't know whether those proved a success anywhere. I have never had occasion to make any inquiries of that kind.

BARTHOLOMEW OERTLY recalled.

Examined by Mr. GREEN:

Question. State whether you did or did not say yesterday that the contract for Four-and-a-half street, from the canal to the arsenal, had been awarded to Mr. Cullinan to macadamize.—Answer. My impression is that it has been awarded, but I don't think the contract has been executed. Of course I have to refer to the papers. I can't have 217 or 218 items in my head. The price for macadamizing is \$1 50.

Q. Look at that schedule (in the estimate for June 20) and tell me how many square yards there are in that work.—A. Fifty thousand six hundred.

Q. This is Mr. Forsyth's estimate of the number of square yards in that work?—A. It is signed by him.

Q. You said yesterday that you didn't know whether Cullinan had the contract awarded to him, nor whether he had begun the work?—A. I only know that he began the work on the sewers. I don't know that he began the macadamizing; to my knowledge he did; but then I have no actual knowledge on the subject.

Q. If you didn't know that, how was it possible for you to send to this committee a certificate like *that*?—A. That is simply a calculation from the papers submitted to me. I don't say that the work is done, or how much of it is done.

Q. Didn't you say yesterday, under oath, that this was a total statement of the work done under that contract?—A. I didn't say that. I said those were estimates on the papers submitted to me.

Mr. ELDRIDGE suggested that Mr. Green might have got the statement asked about from the heading of the paper.

Mr. GREEN. No; I asked him particularly.

Q. You don't know, then, whether this is all or not?—A. No, sir; I suppose it is all, but I am not very confident about it; I don't *know*.

Q. You certify that it is all?—A. No; I only certify that that is the total of those which are cited there.

Q. [Reading.] "I certify that the above statement is correct. B. Oertly."—A. So I do now; but I only certify as to the calculation of those items. The contract is given

to me, with the character and extent of the work proposed by the contract, and the estimate is based on those two items. I don't know whether the work is done, or how much of it is done, or when it was done.

By the CHAIRMAN:

Q. That is, suppose the amount is 60 square yards, at \$1 50 a yard; you take the contract and make the calculation, and simply extend it; and then you certify that that extension is correct?—A. Precisely. That is what I have done, and nothing more.

By Mr. GREEN:

Q. I want to call your attention again to the erasure and interlineation that came after the first line on the second page. This appears to give the work done under the contracts.

Mr. CHANDLER said the document in Mr. Green's hand was only a list of contracts.

Q. Do you know Mr. Riley A. Shinn?—A. I do.

Q. Is he building any sewers in Georgetown?—A. Yes, sir.

Q. Is it under contract, or under orders?—A. Well, there is no contract furnished me.

Q. Is that included in this estimate?—A. No, sir.

Q. Then this does not give us full information as to what is being done?—A. I only say that it gives you the full information of those papers which were furnished to me.

Q. Have you had any papers furnished to you by which you can make an estimate for the water-mains laid during the entire season?—A. No, sir.

Q. Have you had any papers furnished to you by which you can make an estimate for Fourteenth street to N street northwest, paved with wood by Hewitt & Morse?—

A. I think that is in that list; no, I believe that was an old corporation contract.

Q. Was it done under the board of public works?—A. It was carried on under the board, but not included there.

Q. Do you know when that work was commenced?—A. I can't tell exactly. I think it was some time early in the last summer.

Q. Have you had any papers submitted to you by which you can make an estimate for paving G street from Seventeenth to Twenty-seventh street northwest?—A. You mean from Seventeenth to Twenty-second. There is a contract in course of preparation now, but not executed, so it is not included there.

Q. Have you any estimate for paving F street from Eighteenth to Twenty-second street?—A. No, sir; there is no contract for that.

Q. Are they not doing work on it now?—A. The work is done, I understand, under the old corporation contract.

Q. To whom is the contract given?—A. I think C. E. Evans.

Q. Is that the same Evans who had the contract for Pennsylvania avenue from Fifteenth street to Madison Place?—A. No, sir; that is J. O. Evans. I do not know whether he is a relation of the others.

Q. Can you tell from the map what is the distance, on Pennsylvania avenue, between Fifteenth street and Madison Place?—A. [No answer.]

By Mr. CREBS:

Q. Are you assistant engineer?—A. Yes, sir.

Q. Do you have access to all the papers of the board in regard to contracts?—A. I have.

Q. But *these* are made up from the papers furnished to you?—A. Yes, sir.

Adjourned to Wednesday, February 14, at 10 a. m.

Teemyer & Co.—Contract for dredging canal.

[Extract.]

Articles of agreement entered into this twenty-sixth day of November, eighteen hundred and seventy, between the commission for the improvement of the Washington Canal, of the one part, and John H. Teemyer, John O. Evans, and Franklin B. Cotton, partners, doing business under the firm name and style of J. H. Teemyer & Co., of Washington City, in the District of Columbia, of the other part.

That the said John H. Teemyer, John O. Evans, and Franklin B. Cotton, shall dredge and clean out the Washington Canal, its entire length and breadth, including the outlets to the river-channel, in accordance with the specification on file in the mayor's office, a copy of which is hereunto attached, and forms part of this contract, to the depth of four (4) feet at the sides, and six (6) feet in the center, below the lowest tides

for the sum of eighty-eight thousand eight hundred dollars, (\$88,800,) and to deposit the earth in conformity with the annexed specifications and the directions of the commission relative to the same, and such other directions as are reserved in control of said commission in respect thereto in said specifications: *Provided*, That the said John H. Teemyer, John O. Evans, and Franklin B. Cotton shall not be required to do any work over and above that designated in the specification hereto annexed; nor shall they be held responsible for any delay in time or otherwise which may be occasioned by the default of the commission or persons appointed to act as superintendent; nor shall they be responsible for any obstruction to the work not under their control or that of the commission. And the commission hereby agree to remove any obstruction to the proper and speedy execution of the work over which the contractors have no control.

It is further agreed that all the work executed under this contract shall, before being accepted, be subject to a rigid inspection by the superintendent appointed on the part of the commission, and such work as does not conform to the specification as set forth in this contract shall be rejected.

That the said John H. Teemyer, John O. Evans, and Franklin B. Cotton shall commence the work within fifteen (15) days from the execution of this contract, and complete the same on or before the first day of July, eighteen hundred and seventy-one (1871.)

Payments shall be made from time to time as the work progresses, upon certified estimates of the superintendent, approved by the commission, that the work estimated for has been completed according to contract, reserving twenty per centum until the whole work shall have been so certified and accepted, when the reserved per centum shall be paid.

It is expressly understood that no estimates for a less amount than one-fourth of a mile, or thirteen hundred and twenty (1,320) linear feet, will be made, and that the same shall be certified as complete by the superintendent, and as acceptable to the commission, each portion to be estimated in proportion to the whole.

[Signatures.]

Specifications adopted and filed at the mayor's office.

[Extract.]

OFFICE OF THE CANAL COMMISSIONER,
Mayor's Office, Washington, D. C., November 1, 1870.

The canal to be dredged or cleaned out to a depth of four (4) feet at the sides or walls, and six (6) feet in the center, the depth to be taken from the lowest tides.

The earth, or so much as the commission shall direct, to be placed on and against the dike extending south from the Seventeenth-street wharf; so much as shall be directed, to raise the Seventeenth-street wharf; so much as shall be required, to reclaim or fill the low grounds at the north of the monument lot. Such sand and gravel as the commission shall direct to be filled where designated.

Any earth so ordered shall be placed in the hollow at the west end of the navy-yard.

The commission reserve the right to designate such other localities as may be deemed necessary as places of deposit.

The work must be commenced within fifteen (15) days after the letting, or awarding the contract, and to be furnished, in a manner entirely acceptable to the commission, by July 1, 1871.

The entire work to be done according to this specification. No alterations will be made or allowed, unless the same is agreed upon in advance, and the agreement reduced to writing.

The entire canal to be dredged, including the Seventeenth-street basin, and the outlet at each end to the river-channel, so as to secure a depth of six feet of water in said outlets, the width of the canal at the ends or river adjuncts.

The dredging to be commenced at either or both ends of the canal, as shall be directed by the commission.

Teemyer & Co.'s contract for narrowing certain portions of canal.

It is this eighth day of April, A. D. 1871, further understood and agreed that the foregoing contract be, and the same is hereby, amended as follows, viz:

Whereas the commission for the improvement of the Washington Canal have this

day, with the consent of the said J. H. Teemyer & Co., adopted a certain report of General Michler, dated April 3, 1871, (which is hereby made part of the specifications annexed to said contract, so far as the same may be applicable to the work aforesaid to be done by the said J. H. Teemyer & Co.,) providing for the narrowing of certain portions of said canal:

Now, therefore, the said J. H. Teemyer & Co., in consideration thereof, and of said commission so narrowing the said canal as provided in said report, do hereby agree to abate and deduct, from their said contract price of \$88,800, the sum of sixteen thousand dollars, (\$16,000;) provided, however, and the said commission for and in behalf of the United States of America, and the mayor, board of aldermen, and board of common council of the city of Washington, District of Columbia, does hereby covenant and agree with the said J. H. Teemyer & Co. that they, the said J. H. Teemyer & Co., shall not be responsible for any delay in their work occasioned by so narrowing said portions of said canal, and that the work of so narrowing the same as aforesaid shall be prosecuted with diligence and dispatch, and that the said J. H. Teemyer & Co. shall not suffer any loss or damage from delay in prosecuting the same.

Witness our hands and seals hereto set and affixed.

The commission for the improvement of the Washington canal,

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

M. G. EMERY,

Mayor and Chairman of the Commission.

JOHN H. TEEMYER.

JOHN O. EVANS.

FRANKLIN B. COTTON.

Witness: THOMAS P. MORGAN, Jr.

WASHINGTON, D. C., April 3, 1871.

SIR: At your request I have examined the Washington Canal with a view to complete a general plan for its improvement. The following are the conclusions I have arrived at, viz:

The work was commenced at the channel of the Eastern Branch, and the dredging has been completed for about one-fourth of a mile. The material taken out has partly been deposited in scows and dumped on the flats back of the proposed sea-wall, and on the flats below Giesborough; the balance was used to fill the streets on each side of the basin.

The dredges are now at work between N and L streets, and have taken out about two-thirds of the material between these points. The superintendent, Mr. Follansbee, reports that, owing to the want of foundations to the wall, it is impracticable to dredge to the depth required by the contract, and that instructions have been given the contractors by Mr. Dickson not to dredge near the walls, nor to dig to a depth greater than would prove safe for the walls. Examination shows that the walls from N street to Virginia avenue are all built in a very inferior and insecure manner, and that the attempt to dredge to the depth required to make the canal useful for commercial purposes would destroy them. The distance between these points is about 3,550 feet, and to take down these walls and rebuild them upon pile foundations (which would be necessary to make them secure) would cost not less than \$40,000. The material dredged between the points named will have to be placed temporarily upon the banks and carted off. From Virginia avenue to Maryland avenue the distance is about 2,900 feet. The banks on each side of the canal between these points are much below grade, and will require all the material dredged for filling. From Maryland avenue to the angle near Seventh street the distance is about 2,860 feet, and the canal widens from, say, 43 feet at Maryland avenue to 75 feet between these points. There is now a bill before Congress for straightening the canal between these points, and if this is not done now, it will have to be done at some time soon, as the plan for a park—which, I am of the opinion, will certainly be carried out by this Congress—contemplates and makes necessary this change. I would, therefore, recommend that the canal be narrowed between these points to the width it is at Maryland avenue, say 40 to 43 feet. This would necessitate the building of a temporary breastwork, or train-wall, of wood, and the material taken out could be placed back of this wall. This would reclaim about 100,000 square feet of ground between these points, while it would give the depth of water required for sewerage and commercial purposes; would also accomplish, in part, an improvement which will very soon have to be made.

From the angle near Seventh street to the Seventeenth-street locks the distance is about 5,200 feet, and the width of the canal 145 feet. I would recommend narrowing the canal between these points to 70 or 75 feet. From Seventeenth-street lock to the outlet the distance is about 1,100 feet. I would recommend that between these points the basin be made 100 feet wide. I think the old walls between the angle near Seventh

street and the Seventeenth-street lock will furnish stone enough to rebuild the walls upon a firm pile and timber foundation.

I herewith submit a drawing showing the different angles, &c., to the canal; also a plan for walls, foundations, &c.

I will briefly state that the plan of narrowing herein proposed settles one of the great troubles incident to the improvement, *i. e.*, disposing of the material taken out, while it reclaims at least 750,000 square feet of ground in the heart of the city, which, at a fair estimate of its value, would pay all the expense of the improvement several times over.

If satisfactory arrangements can be made with the contractors to finish the work according to this proposed plan, the dredging can be completed at a less expense than the present contract price. If this plan meets the approval of the commission, I would suggest that an estimate be made of the decrease in the amount of dredging, and that the price be reduced accordingly.

Very respectfully, yours, &c.,

N. MICHLER,
Major Engineers.

Hon. M. G. EMERY,
Mayor and President of Canal Commission.

Articles of agreement entered into this 12th day of April, 1871, between the commission for the improvement of the Washington Canal, of the one part, and John H. Teemyer, John O. Evans, and Franklin B. Cotton, partners, and doing business under the style and firm of J. H. Teemyer & Co., of Washington City, District of Columbia, of the other part.

This agreement witnesseth: That the said commission, created by act of Congress approved July 15, 1870, acting for and in behalf of the United States of America, and the mayor, board of aldermen, and board of common council of the city of Washington, District of Columbia, and the said John H. Teemyer, John O. Evans, and Franklin B. Cotton, their and each of their heirs, executors, and administrators, have mutually agreed, and by these presents do mutually covenant and agree, to and with each other, in the manner following, namely:

That the said John H. Teemyer, John O. Evans, and Franklin B. Cotton shall furnish all the necessary materials of every kind, together with the labor necessary to complete the pile foundations in strict accordance with the plan and specifications adopted for the same, and for the distance named in the report of General Michler, dated 3d April, 1871, recommending the narrowing of the Washington canal between the angle near Seventh street and the lock at Seventeenth street, estimated at about (5,000 feet) five thousand linear feet, for the sum of (\$3 75) six dollars and seventy-five cents per linear foot.

They further agree to remove the stone walls between the points named, and rebuild the same upon the pile foundations in accordance with the plans and specifications for the sum of (\$5) five dollars per perch of twenty-five cubic feet, the work to be measured in the wall after it has been relaid.

They further agree to furnish all of the material and labor necessary to construct the wooden train-walls in accordance with the plans and specifications for the same, and between the points named in the report of General Michler, dated April 3, 1871, namely, from Maryland avenue to the angle near Seventh street, the distance is about (2,860 feet) twenty-eight hundred and sixty feet; and from the termination of the stone wall on the south side of the canal near Fifteenth street to within (100 feet) one hundred feet of the lock at Seventeenth street; from thence, at right angles, to the outlet of the Seventeenth street basin, the distance is about twenty-five hundred feet, making in all about (5,360 feet) five thousand three hundred and sixty linear feet, for the sum of (\$4 62) four dollars and sixty-two cents per linear foot.

The commission on their part hereby agree to remove any obstruction to the proper and speedy execution of the work over which the contractors have no control, and not hold the contractors responsible for, nor require them to do, any work not fully set forth in the annexed plans and specifications, which are hereunto attached and form part of this contract.

It is further agreed that all the work executed under this contract shall, before being finally accepted, be subject to a rigid inspection by the superintendent appointed on the part of the commission, and such work as does not conform to the specification, as set forth in this contract, shall be rejected.

The contractors shall have the right to call for an inspection and final acceptance of each (200 feet) two hundred linear feet of either the pile foundation, wooden train-wall finished, or stone wall removed and relaid in accordance with the plans and specifications.

Payments shall be made from time to time as the work progresses, upon certified estimates of the superintendent, approved by the commission, whenever (\$5,000) five thousand dollars or more in material or labor shall be furnished by the contractors, reserving 15 per cent. until the whole work shall have been certified and accepted, when the reserved per centum shall be paid.

The said John H. Teemyer, John O. Evans, and Franklin B. Cotton agree to commence the work as soon as practicable, and to complete the same on or before the first day of October, 1871.

No member of Congress, officer or agent of the Government, or any person so employed, shall be admitted to any share herein, or any benefit which may arise herefrom.

In witness whereof the undersigned have hereunto placed their hands and seals this day and date first above written.

[SEAL.]

M. G. EMERY,
*Mayor and Chairman of Committee for the
improvement of the Washington Canal.*

[SEAL.]

JOHN H. TEEMYER.

[SEAL.]

JOHN O. EVANS.

[SEAL.]

FRANKLIN B. COTTON.

Attest:

HALLET KILBOURN, *Acting Secretary.*

WASHINGTON, D. C., August 1, 1871.

GENTLEMEN: We propose to excavate the James Creek Branch of the Washington City Canal, commencing at the arsenal wall, near P street south, and connecting with the present canal at Virginia avenue, making a cut 60 feet wide and 6 feet deep at low water, for the sum of \$25,385, as explained in statement hereunto annexed, and bearing even date with this.

Very respectfully, yours, &c.,

J. H. TEEMYER & CO.

Hon. BOARD OF PUBLIC WORKS,
District of Columbia.

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Washington, D. C., 1871.

[*Extract from journal of board of public works, District of Columbia, August 3, 1871.*]

* * * * *

A communication was received from Messrs. J. H. Teemyer & Co. in reference to the James Creek Branch of the Washington Canal, and the president and treasurer were appointed a committee to execute contract for same.

The engineer was authorized to prepare a plan for the improvement of the canal on basis of opening James Creek, and closing the present canal between Tiber Creek and Seventh street.

A true copy:

CHAS. S. JOHNSON,
Assistant Secretary.

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Washington, August 11, 1871.

GENTLEMEN: Your proposal for the improvement of the James Creek Branch of the Washington City Canal, dated August 1, 1871, is accepted.

A contract will be prepared as soon practicable, and in the mean time you are authorized to commence the work.

Very respectfully,

J. M. BROWN,
Secretary.

Messrs. J. H. TEEMYER & Co.,
Washington, D. C.

A true copy:

CHAS. S. JOHNSON,
Assistant Secretary.

Statement of lengths, widths, and estimate cubic yards of material in Washington City Canal between Seventh street and Maryland avenue, and between Virginia avenue and New Jersey avenue.

	Feet long.	Feet wide.	Cubic yards.	
From angle near Seventh street to Maryland avenue.....	2,860	40	24,165	To be closed.
From Virginia avenue to New Jersey avenue...	1,350	41	9,225	Do.
Totals	4,210		33,390	Do.

JAMES CREEK BRANCH.

From Virginia avenue to arsenal wall, 3,800 feet long, 118,000 cubic yards, as per estimate of William Forsyth, esq., engineer, &c.

Deduct amount between Seventh street angle and Maryland avenue, and between Virginia and New Jersey avenue, 33,390 cubic yards; leaving 84,610 cubic yards, at 30 cents per cubic yard, \$25,383.

WASHINGTON, D. C., August 1, 1871.

The above statement, with proposal for the improvement of the James Creek Branch of the Washington City Canal, is respectfully submitted as showing the manner in which we have estimated for the same.

J. H. TEEMYER & CO.

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Office, Chief Engineer, Washington, D. C., 1871.

GENTLEMEN: In accordance with the instructions of the honorable Board of Public Works, dated December 26, 1871, to report what action should be taken in reference to the Washington Canal, I have the honor to submit the following:

By the execution of the work ordered by resolution of the board, dated August 22, 1871, directing the filling up of the canal between Third and Seventh streets northwest, the old Washington Canal has been severed in two parts, viz: The western, stretching from Seventeenth street west to Seventh street west, and the eastern, from Third street west to Georgia avenue, with the newly opened arm, not yet completed, known as the James Creek Branch.

I shall accordingly treat the subject in two distinct parts:

A.—*The eastern section of the Washington Canal.*

This section was dredged under Messrs. Teemyers & Co.'s contracts from its eastern terminus, inclusive of the river outlet, to New Jersey avenue; the portion thence to Maryland avenue remains in its former condition.

As already stated, a new branch known as the James Creek Branch was opened from P street south to Virginia avenue, where it is intended to connect it with the eastern section of the old canal.

This work was ordered by the board under the act of Congress approved April 30, 1871, and is done under contract by Messrs. Teemyer & Co., and is now nearly completed.

The portion of the old canal from Virginia avenue to Maryland avenue has been made the water-course of Tiber Creek and Tiber sewer by the filling in of the canal from Third street to Seventh street west; the same, whether arched over, and thus rendered a closed sewer, or left open, will, in consequence, have to be excavated to the same or greater depth than the flooring of Tiber sewer, now in course of construction between Indiana avenue and Maryland avenue.

At Virginia avenue the question presents itself whether the old canal or the new James Creek Canal should be used for the continuation of the Tiber Creek sewer. I am inclined to the opinion that the old canal-bed should be used for this purpose, and

also that it should be entirely disconnected from James Creek Branch for the following reasons, viz:

1. Tiber Creek sewer, which drains the major part of the city of Washington, will, if not now, certainly in a few years require to be arched. The construction of this sewer, from Virginia avenue to deep water, can be effected much more cheaply, safely, and better, by following the old canal-bed than by James Creek.

2. James Creek Branch forms, in my opinion, an admirable basin for the discharge of wood, coal, lumber, and other articles for local trade, brought to market in vessels of light draught.

The grounds abutting on it are so low and so undesirable in other respects as sites for residences, so distant from the heart of the city, and yet so near the river, that hardly any other use can be made of them, while for the purposes indicated they are well adapted, and I think the opening of the James Creek Branch will render a large area of marshy ground available, and also salubrious, and that it will be found to be a judicious measure; its utility and size ought not, therefore, to be jeopardized or impaired by using it for sewerage purposes.

In addition, the construction of a sewer of the capacity of Tiber Creek through these low and marshy grounds, besides being nearly three times as long, would be so costly and difficult that this reason alone appears to me sufficient to prevent the use of the James Creek route for the sewerage of Tiber Valley.

The continuations of Tiber Creek sewer from Maryland avenue, along the old canal to deep river water, will be (inclusive of a river outlet of 1,200 feet in length) 8,070 linear feet. Its length along the James Creek route would be 13,650 linear feet. The construction of the first would involve an outlay of not over \$800,000, whereas that of the second would cost more than \$1,500,000.

B.—*The western section of the Washington Canal.*—Present condition: To complete the filling of the canal from Third to Seventh street a wall was built on pile foundations across the canal, on the west side of Seventh street.

No work has been done from Seventh to Fourteenth streets. From Fourteenth to Seventeenth-street pier, the improvements, (if such they can be called,) contemplated by the commission formerly in charge of the canal, have been completed, and the canal narrowed to 75 feet in width, by a train-wall on the south, and a stone wall on pile foundations on the north, and this portion of the canal has also been dredged to the required depth, inclusive of the river outlet.

The train-walls and the pile foundations for the stone-work have proved to be a total failure, and should it be decided to attempt to keep open the basin from Seventh street to Seventeenth-street pier, these structures must be replaced by others of a more substantial (though more costly) design.

Whatever disposition of this section of the canal may be determined on, one thing is certain, viz, that the sewerage of the city now emptied into this portion of the canal must be diverted from it, and conveyed by an intercepting sewer into deep water.

The area draining into the above portion of the canal and north of it is about 638 acres; the area south of it, and drained into it, is about 195 acres.

The following main sewers now discharge into the canal between Sixth and Seventeenth streets:

	Length of sewer.	Sectional area.		Mean height above high tide.
		D.		
Seventh street	2,279.8	4'	12.5	39.13
Ninth street	2,534.7	4'	12.5	38.68
Tenth street	1,842.9	4'	12.5	31.74
Twelfth street	2,116.4	3'	7.0	38.49
Thirteenth street	1,866.6	6	28.2	37.10
Fourteenth street	2,469.0	4'.6	15.8	51.40
Fifteenth street	1,810.0	3'	7.0	33.39
Sixth street	2,709.0	6	28.2	33.62

The capacity of discharging water or sewerage has been calculated by the known hydraulic formula

$$v = \sqrt{1.6 \cdot H \cdot F'}$$

in which v designates velocity per second; F , the fall per mile; H , the mean hydraulic depth obtained by dividing the sectional area with the submerged circumference; or I

assume the sewer to be charged to full capacity, simply sectional area divided by circumference. The following table exhibits this capacity:

	Velocity per second.	Section- al area.	Discharge per hour.	
Sixth street	16.78	28.2	1,708,589	1,291,114
Seventh street	15.93	12.5	720,889	544,748
Ninth street	15.02	12.5	679,739	513,652
Tenth street	14.89	12.5	673,855	509,206
Twelfth street	15.12	7.0	384,915	290,865
Thirteenth street	21.00	28.2	2,137,730	1,615,400
Fourteenth street	18.61	15.8	1,065,723	805,351
Fifteenth street	14.45	7.0	367,823	277,928
			7,739,063	5,848,264

From information obtained from the Smithsonian Institution it would appear that the heaviest fall of rain in thunder-storms (on record) has not exceeded 2 inches per hour. This would give to the 688 acres a volume of rain-fall per hour equal to 4,930,000 cubic feet. It is generally assumed, and sustained by observation, that only 50 per centum of this amount reaches the sewers, the balance finding its way, by way of percolation, into the ground, and also partly being evaporated. To this must be added the amount of ordinary sewerage, which will not exceed 10 cubic feet per diem and per capita; assuming further, that the population of the above area will never exceed 100,000, the amount to be added will be 41,666 cubic feet per hour, making thus a total of 2,506,666 to be discharged by the above sewer. It will be seen from this that the discharging capacity of these sewers is largely in excess over the maximum volume ever to be discharged. This volume of water and sewerage has to be received and conveyed by an intercepting sewer, which, at high tides, will be filled by tide-water or floods.

Whatever fall may be given to the sole of such a sewer, such fall will, in times of tide and floods, add nothing to the discharging capacity of the same.

The flood or tide-water in such intercepting sewer will be displaced by the water of the contributing sewer which enters the intercepting sewer, with the mean velocity of 16.75 per second.

It is of paramount importance that this force should be preserved as much as possible by a proper easing of the junctions, and also that the direction of the river outlet of the intercepting sewer should be identical with that of the river current.

If this is done, as proposed and shown on the accompanying plan, it may be safely assumed that the main loss to the above force will be that occasioned by friction, on a loss which can be calculated.

On the above basis, the dimensions of this intercepting sewer have been computed at the points where the drainage of the whole area (688 + 195) 883 is collected; the same will be found to be 67 square feet.

This result may be verified in a striking and most satisfactory manner by comparing it with the dimensions of Tiber sewer. It is known that the section of Tiber Creek sewer, running through the Botanical Garden, and which has been completed for several years, is of a capacity sufficient to pass through it the drainage of the Tiber valley or basin. The area of this basin exceeds 2,500 acres in the county, and 1,239 in the city; that it exceeds a total of 3,739 acres of ground. The sectional area of the sewer at the above point is 225 feet. It is fair to assume, the conditions of the case being similar, that the sectional areas of sewers ought to be proportional, or nearly so, to the areas drained. In this case,

$$3739 : 883. \quad 225 : 53. \quad 5.$$

Self-acting flood-gates at the river outlet of the intercepting sewer, for the purpose of keeping floods out, have been proposed, but I cannot recommend such a plan; an arrangement of that description would necessarily result disastrously to streets and dwellings, and to all the sewers affected thereby, whenever a heavy rain-storm should occur at flood times, which is often the case.

I estimate the cost of the intercepting system as follows:

1. Sewer from Seventh street to Fifteenth street, north side of canal.....	\$86,250 00
2. Connections with old sewers.....	6,000 00
3. Sewer across canal at Fifteenth street.....	4,752 00

4. Pipe-sewer, south side canal.....	\$12, 075 00
5. Sewer across mall, 2,000 feet, at \$25.....	50, 000 00
6. River outlet, 500 feet, at \$38.....	19, 000 00
7. Seventeenth-street sewer, 1,200 feet, at \$6	7, 200 00
	185, 277 00

It is unnecessary to add that this question of sewerage is of the utmost urgency, and should be decided at once irrespective of all projects on the Washington Canal. I hope that my figures have dispelled, to some extent, the popular delusion in regard to this matter, and also that they have demonstrated that the work is neither of any extraordinary magnitude nor difficulty; and I most earnestly recommend that some action may be taken at once. Proceeding to the consideration of the questions connected with that portion of the canal from Seventh to Seventeenth street west, I have already stated, the new walls for the canal, constructed by the advice and under the plans adopted by a former commission, have proved a failure. The work done is in such a condition that it must be taken up and replaced by much heavier and costlier work before the objects for which it was designed can be accomplished. About 12,263 linear feet of heavy wall with costly pile foundations will be required for the sides of the canal, which must be of extra strength to resist the pressure of semi-fluid mud taken from the canal with which the filling must be made. I assume that nobody would advocate another experiment with wooden train-walls, and accordingly estimate the whole line of wall as masonry. The cost of such could not be less than \$15 per running foot, which would make the costs of the walls \$184,020, to which must be added the balance of dredging required from Seventh to Fourteenth street, viz, \$12,100, making a total expenditure of \$196,120.

The advantages to be derived from such a basin are mainly wood, coal, and lumber, for local consumption, sand-stone, fish, oysters, &c. I am not prepared to say that the revenue derived from this traffic would be less than the interest on the cost of the improvement. But I do assert that all of this traffic can be accommodated by the James Creek basin, and the river front at a less amount and to the benefit of the city.

1. Traffic of this description occasions a good deal of filth; to keep this near the outskirts is certainly better than to bring it to the very heart of the city.

2. A very large amount of real estate, otherwise finely and centrally located, is depreciated and rendered useless for any other purpose.

3. The late disaster of Chicago teaches us the danger of allowing large accumulations of lumber, wood, and coal in the center of a city.

Were there no other reasons than the above, I should consider those sufficient to warrant an abandonment of the scheme of re-opening the old canal for the accommodation of petty local commerce; but it becomes so much more apparent when we take into consideration the comparatively small cost of filling, and the great value of the area of ground reclaimed. Amount of filling: The total area which ought to be filled from Seventh to Seventeenth west, and inclusive of Seventeenth-street basin, and the low grounds at the monument lot, is 1,633,262 superficial feet. Of this area the low ground belonging to the United States will undoubtedly be filled by the General Government, as also Seventeenth-street basin, which will revert to the Government reservation. I have, therefore, excluded this portion from my calculations of the cost of filling. To fill the balance of which, nearly 725,000 feet, raising the fill to 7 feet above mean high-tide, will require 268,520 cubic yards of earth; but a considerable portion can be obtained of this amount by grading the streets. The remainder can be obtained at a cost not to exceed 40 cents per yard, estimating one-half to be provided in this way. The expenditure for filling, at this price, would amount to \$53,704, or \$142,416 less than the expenditure required for a basin.

Area of ground reclaimed.—The area of the ground reclaimed is 725,000 superficial feet. Of this amount 217,500 superficial feet, between Fifteenth and Seventeenth streets, will revert to the United States Government, to be added to the mall, and 82,650 superficial feet will be absorbed by the continuation of streets, leaving an area of 424,850 superficial feet of ground reclaimed, and at the disposal of the District. The sale of this ground at the lowest valuation of \$1 per superficial foot, will leave a large surplus to the credit of the District, after deducting all expenses for filling, and the sewer.

In conclusion, considering the great enhancement in value of all the property now bordering on the canal, and on the island, the improvement of all that portion of the city affected by the present opened ditch, in connection with the reasons stated above, the filling up the western section of the canal presents itself to me as the only plan which merits one moment's consideration. I have carefully considered the various projects for the utilization or improvement of the canal, and am compelled to report them either empirical and visionary, or involving an expense that places them beyond

the means at the disposal of the board, and insure their failure as a pecuniary investment.

Very respectfully,

A. B. MULLETT,
Chief Engineer.

Hon. A. R. SHEPHERD,
Vice-President Board of Public Works.

SIR: In accordance with the instructions of the board under date of December 27, 1871, I have carefully investigated the various claims of J. H. Teemyer & Co. for work done and material furnished under their contracts for improving the Washington Canal and its branches, and submit the following report, showing the present condition of their contracts, and the amount of work performed by them.

Articles of agreement were entered into on the 26th day of November, 1870, by and between the commission, for the improvement of the Washington Canal, and J. H. Teemyer, & Co., under the authority conferred by the act of Congress approved July 15, 1870, by which the contractors agreed "to dredge and clean out the Washington Canal, its entire length and breadth, including the outlets to the river-channel, and the Seventeenth-street basin to a depth of 4 feet at the sides or walls, and 6 feet in the center below the lowest tides. The outlets to the river-channel at each end to be dredged to the depth of 6 feet at lowest tides, the width of the canal at the ends, or river adjuncts;" the earth to be used under the direction of the commission in raising, extending, and strengthening the dike extending south from the Seventeenth street wharf, and for reclaiming the low grounds north of the monument lot, and in the hollow at the west side of the navy-yard; any sand and gravel to be placed where directed by the commission. The commission also reserved the right to designate other places of deposit, if in their opinion such action should be desirable. The work to be commenced within fifteen days after the date of the contract, and be completed to the acceptance of the commission by July 1, 1871, for the sum of \$88,800.

Work was commenced under this agreement, but in consequence of various delays (in regard to which I am not fully advised, and which are not material to a consideration of the case) but a comparatively small portion had been done on the 3d of April, 1871, on which date a report was submitted to the commission by General N. Michler, engineer in charge of public buildings and grounds, and a member of the commission to which I desire to call special attention.

It appears by this report that the commission, at the time of making the original contract, were not in possession of such information as would enable the members to act intelligently on the question, and that it was impossible to carry out the contract without reconstructing a very large portion of the retaining walls, which were found to be so shallow and so badly constructed that the reconstruction of a large portion proved to be necessary if the stipulation of the contract in regard to dredging were carried out.

Difficulties had also arisen in regard to a place of deposit for the material dredged from the canal, which it was found impracticable to deposit on the flats of the river, as originally intended, the depth of the water required by the scows being too great to enable this plan to be carried into effect. To overcome these obstacles General Michler recommended that the canal be narrowed between Maryland avenue and the angle at Seventh street from 75 feet wide to a width of 43 feet, which would necessitate the building of a temporary breast-work or train-wall of wood, back of which the earth to be removed could be placed; that it be narrowed between the Seventh-street angle and the Seventeenth street lock from 145 feet to 70 or 75 feet wide; that the basin from Seventeenth street lock to the outlet be made 100 feet wide, and that the old walls from Seventh to Seventeenth street be used to build the new walls, on a pile and timber foundation.

The report of General Michler was adopted, and a supplementary contract, dated April 8, 1871, entered into, by which the original contract was so far modified that the supplementary agreement will perhaps be better understood by considering it as a new contract, which it virtually was.

The conditions of this modified contract were as follows, viz: "That whereas the commission for the improvement of the Washington Canal have this day, with the consent of the said J. H. Teemyer & Co., adopted a certain report of General Michler, dated April 3, 1871, (which is hereby made a part of the specifications annexed to said contract, so far as the same may be applicable to the work aforesaid to be done by the said J. H. Teemyer & Co.,) providing for the narrowing of certain portions of said canal. Now, therefore, the said J. H. Teemyer & Co. hereby agree, in consideration of said commission so narrowing said canal to abate and deduct from their contract price of \$88,800 the sum of \$16,000.

Before proceeding under this contract, however, a further agreement was entered

into with Messrs. Teemyer & Co., dated April 12, 1871, wherein the different items of work connected with narrowing the canal, as recommended by General Michler, were specified, and a price agreed upon for each, as follows: "for the material and labor required for the pile foundations \$6 75 per linear foot; removing stone walls and rebuilding same on pile foundations \$5 per perch of 25 cubic feet, the work to be measured in the wall after it has been relaid; for the wooden train-walls \$4 62 per linear foot." Under this contract work was continued until April 20, 1871, when the commission was dissolved and the execution of the work transferred to the board of public works by the act approved.

Soon after taking charge the board decided to suspend all work from Maryland avenue to the Eastern Branch, to arch the canal from that point to its junction with Third street, and to close it from there to Seventh street. Work was, however, continued by the contractors upon the train-wall on the north and west sides of the old basin at the foot of Seventeenth street, and upon the Seventeenth-street pier. The recommendations of the commission in regard to narrowing the canal were also carried into effect from Seventeenth to Fourteenth street.

On the 19th of October ultimo General George E. Greene, then chief engineer, submitted a report on the condition of the work, in which he condemned in severe terms the plan for the construction of the train-wall and the retaining wall on the north side of the canal. In consequence of this report work was virtually suspended, the contractors having, since that date, been engaged in completing some necessary minor items remaining unfinished.

I have carefully examined the subject, and agree entirely with General Greene in his opinion as to the unsuitable and unsubstantial character of the work in question.

The defects are, in my opinion, radical, and I do not believe it would be either judicious or feasible to attempt to rectify the errors in the original plan of construction.

General Greene also called attention to the fact that though some attempts have been made by the contractors to remedy the defects in the plans for the train-walls, that they had failed to do so, though they had increased the cost of construction thereby.

(These changes will be referred to hereafter.)

The original plan being radically defective, I agree with him that the changes were, to a degree, improvements; that they were made in good faith and for the purpose of remedying the defects in the plan, and that the work was certainly not less costly to the contractors than that required by the original plans.

I cannot see how the board can withhold from the contractors payment in full for their work to date. They having been debarred from completing their contract by the board.

General Greene objects that the stone-work of the walls is not as thick as required by contract. This is certainly the case, but as the contractors are paid by the perch, and it was laid under the direction of the superintendent, and as the foundation and not the wall has proved defective, I do not see how the contractors are open to censure.

As the pile-foundation appears to have been constructed in strict accordance with the requirements of the plans and specifications, which are radically defective, the work cannot be repaired except at an expense equivalent to rebuilding the structure in a proper manner.

Under these circumstances I have, after a careful consideration of the whole subject, to renew to the board my recommendations that the canal be closed from Seventh to Seventeenth street. It has been and always will be, until an intercepting sewer is constructed, nothing more than an enormous cess-pool. Its value for commercial purposes is a myth; and it has been of no benefit, so far as I am aware, to any one save a few petty officials connected with its management. The simple interest on the value of the land to be reclaimed would amount to far more than all the commercial benefits that could accrue from it, provided it was possible to keep it in proper condition, which is not the case.

It appears to me, further, the height of insanity to expend a large sum of money to perpetuate in the heart of the capital of the nation an open ditch, for no other ostensible reason than for a landing place for wood, coal, oysters, and other similar articles, when the magnificent river front is almost entirely unoccupied.

I therefore recommend that the contracts be canceled, and that the contractors, Messrs. Teemyer & Company, be paid in full for the amount of work performed by them, which, as will be seen by the accompanying certificate of the assistant engineer, amounts to \$122,566 46.

I would also recommend that the Seventeenth-street dock be extended toward the river channel, and the outlet from the dock to the main channel be dredged to the width and depth of the canal; and would also urge that steps be taken to build a sewer, and to fill the canal before the hot weather of the summer arrives.

The following will be found a correct statement of the liabilities incurred and the expenditures made under the authority recited above: Under the act of Congress approved April 20, 1872, transferring the powers of all former commissions, and the late

corporation of Washington, in matters connected with the Washington Canal, to the board of public works and granting the further authority to open the James Creek branch of the canal, the board entered, on August 3, 1871, into an additional agreement with Messrs. Teemyer & Co. for opening said branch, for the following considerations, viz: 1. The omission of the dredging from Seventh street to Maryland avenue, and from Virginia avenue to New Jersey avenue and Second street, for the additional sum of \$25,383.

They were directed December 16, 1871, to construct a cross-wall at Seventh street northwest in accordance with specifications of the engineer, and on August 24, 1871, to fill the canal from Maryland avenue to Seventh street, at 15 cents per cubic yard. Considering the work done under these two orders, as outside of their contracts, I now proceed to ascertain the value of their work done.

1. *Dredging*.—An inlet was dredged at the eastern terminus of the canal, and the canal itself from said terminus to New Jersey avenue. An inlet was also dredged at the western terminus of the canal at the foot of Seventeenth-street pier, and the canal from such inlet was dredged according to the specifications of April 3, 1871, to Fourteenth street northwest.

The total area of the canal to be dredged under the altered contracts was 879,957 superficial feet; the areas of the inlets to be dredged under the contract included in the same sum are not as easily or precisely ascertainable, and yet in making a *pro rata* valuation of the work done the same must be taken into account. The contract required them of the same width, and of course same depth of the canal.

General Michler reports, April 3, 1871, the approximate length of the eastern outlet at one-fourth of a mile, or 1,320 linear feet, which, if made the width of the canal at its terminus, viz, 100 feet, would give an area of 132,000 superficial feet. There is no report on the length or width of the western inlet. From the most recent soundings furnished by the Coast Survey charts, this length would appear to have been 2,100 linear feet, and if carried out at the width of 100 feet (Seventeenth street basin) would give an area of 210,000 superficial feet. I add one-third of this (as the depth of their dredging was much less) to the above of the canal, which gives a total of 993,957 superficial feet, which was required to be done. The areas actually dredged are 663,676 superficial feet. The money value of the work done under the contract of November 26, 1870, as abated April 8, 1871, is, therefore, 993,957, \$72,000; 663,676, \$48,075 18. To this amount must be added the amount between New Jersey avenue and Virginia avenue and between Maryland avenue and Seventh street west, the omission of which constituted one of the considerations of the agreement of August 3, 1871. The areas omitted are 206,212 superficial feet, and their dredging, under the awarded contract, estimated *pro rata*, as above, would have cost \$11,692. Messrs. Teemyer & Co., in their statement accompanying their proposal, made an allowance for the same of only \$10,017, and of course it is this amount only with which they can be credited, \$10,017; dredging James Creek Branch, \$25,383; total amount of dredging, \$83,475 18; amount of work undone, \$14,137 23.

2. *Train-walls*.—The total length of the train-wall required under the contract of April 12, 1871, was 5,493 linear feet, at \$4 62, \$25,377 66. The length of the train-wall constructed, 2,228 linear feet, \$10,293 36; amount of work undone, \$15,084 30.

3. *Pile foundation*.—The total amount of pile foundations required, 5,676 linear feet, \$6 75, \$37,289 64; length of pile foundations constructed, 1,963, \$15,547 89; amount of work undone, \$21,741 75.

4. *Stone wall*.—The total length of wall to be built as required was 5,676 feet, 4 feet wide at the bottom, 3½ feet on the top, 5 feet high, making 4,276¼ perches (of 25 cubic feet) of stone, at \$5, \$21,383 75; total amount of wall laid, 2,455, varying in dimensions, 1,853 perches, \$9,265; amount of work undone, \$13,060

RECAPITULATION.

	Work re- quired by contract.	Work actually performed un- der contracts.
1. Dredging.....	\$97,383 00	\$83,475 18
2. Train-wall.....	25,377 66	10,293 36
3. Pile foundation.....	37,289 64	15,547 89
4. Stone wall.....	21,383 75	9,265 00
Totals.....	181,434 05	118,581 43

To the above must be added the following work done under special orders:

Cross-wall at Seventh street, 100 linear feet of pile foundation, at \$6 75 ..	\$675 00
51½ perches of wall, at \$5.....	259 50
Carrying Sixteenth street sewer across canal bed.....	191 27
Carrying Fifteenth street sewer across canal bed.....	481 58

Repair of old wall on south side of canal, not contemplated by any contracts	\$1,377 68
	3,985 03
Work done under contracts	118,581 43
	122,566 46

From the above, however, must be withheld a sum for the final completion of James Creek Branch, which, for a distance of 1,500 feet, has to be deepened to its full depth. I estimate the amount which ought to be withheld until final completion at \$5,000.

The amount of payments made on the above work, as reported by the auditors, is —. The above account assumes that the work was done strictly in accordance with the specifications. Such is not the case, as heretofore stated. The specifications, as well as their meaning, can be ascertained from General Michler's report dated April 3, 1871; and the drawing, with the marginal remarks accompanying the same, require for the train-wall but one row of piles, tied by logs to a string timber bedded in the mud, 14 feet back of the front. This singular defect in the design was remedied by driving another row of piles 14 feet back of the front row, and by substituting iron rods for round log ties, an operation which not only required additional piles, but additional dredging for the floating of the pile-driver. Again, did the specifications require but an average length of 16 feet for all the piles, this would have been so insufficient that the contractors of their own accord furnished piles varying in length from 20 to 26 feet and upwards. On the other hand, were the piles required to be of yellow pine, whereas the piles furnished were of common fox-tail or field pine, a kind of lumber which could be procured much easier and cheaper than yellow pine. Again, after portions of the train-wall showed signs of failures, they strengthened the same by additional piles driven in front of the train-wall.

I have previously called attention to the fact that the stone wall is not built of the exact dimensions required, inasmuch as it is to be paid for by the perch, and not by the linear foot; and as it would have been abundantly strong had the pile foundation for the same proved strong enough, there can be no objection to this portion of the work. The failure of the work is not due to the contractors, but to the plans, which the evidence shows they exerted themselves to remedy, and to make the most of a radically defective design.

There is no provision in the contract for establishing the price of any work not required by the contract, but which might be necessary to carry out its object. The amount of work required by the contract, but remaining undone under the order of the board, is \$64,757 25.

I have no data as to what expense Messrs. Teemyer & Co. have incurred in their preparations to complete the entire work, but they have certainly done so to some extent, and am of the opinion that any properly established damages should be paid for under this head.

The contracts are very explicit in their provisions that no delays should be occasioned, and it cannot be denied that the contractors have been subjected to some delays, compelling them to keep their expensive and costly working-apparatus idle. They are entitled to some consideration under this head. These points can readily be considered by the board, and I recommend that they be adjusted before the payment of the amount herein recommended be authorized.

Very respectfully, your obedient servant,

A. B. MULLETT,
Chief Engineer Board of Public Works.

MEMORANDUM.—This book was called for and taken back by Mr. Chandler February 8, 1872, and this added.

Expenditures for the Washington Canal by the corporation of Washington.

1871.

January 16.—Vanderwerken & Co.....	\$399 17
Vanderwerken & Co.	300 00
April 1.—W. Dixon, commissioner.....	2,154 00
May 3.—W. Dixon, commissioner.....	1,330 00
4.—W. Dixon, commissioner.....	1,111 10
23.—B. Severson, commissioner	500 00
	5,794 27

Statement of expenditures for the Washington canal.

		Cash.	Certificates of indebt- edness.
1871.			
Jan. 24	J. H. Teemyer & Co.....		\$18,082 00
July 12	J. H. Teemyer & Co.....		15,372 68
Aug. 16	B. Severson, bill of sundries.....	\$27 34	
Aug. 19	L. T. Follansbee, salary as superintendent, four months.....	600 00	
Aug. 19	S. H. Swetland, salary as secretary, six months.....	750 00	
Aug. 19	S. H. Swetland, office expenses.....	105 50	
Aug. 19	S. H. Swetland, as secretary, one month.....	125 00	
Sept. 18	Evening Star, advertising.....	31 50	
Oct. 11	E. S. Atkinson, superintendent.....	100 00	
Oct. 12	Pay-roll for labor.....	582 75	
Oct. 20	E. S. Atkinson, superintendent.....	100 00	
Nov. 6	Davenport & Himber, taking up wall.....	2,000 00	
Nov. 6	J. H. Teemyer & Co.....		18,000 00
Dec. 4	E. S. Atkinson, superintendent.....	136 67	
Dec. 22	D. W. Wyvill, for tools.....	111 01	
Dec. 26	J. E. Vanning, superintendent.....	75 00	
1872.			
Jan. 8	Albert Gleason, for filling.....	1,233 50	
Feb. 3	E. S. Atkinson, superintendent.....	100 00	
Feb. 3	J. E. Vanning, superintendent.....	75 00	
			6,153 27
			\$57,607 95

JAMES A. MAGRUDER,
Treasurer Board Public Works.

WASHINGTON, D. C., *January 19, 1872.*

DEAR SIR: In reply to your communication of this date, I have to say that the cost of work on the James Creek Canal, mentioned in my letter of January 18, included all the labor, independent of the service of the machines, which, being furnished by the Government, were not included in the costs of forty-two cents per cubic yard.

Very respectfully, your obedient servant,

WM. D. WISE.

JAMES A. MAGRUDER, Esq.,
Treasurer Board of Public Works.

A true copy:

CHAS. S. JOHNSON,
Assistant Secretary.

WASHINGTON, *January 18, 1872.*

SIR: In reply to your letter of inquiry of the cost of the work done under my superintendence at the arsenal, on James Creek Canal, for the Government of the United States, the work cost about 42 cents per cubic yard.

Yours, respectfully,

WM. D. WISE.

ALEX. SHEPHERD, Esq.,
Vice-President Board of Public Works.

A true copy:

CHAS. S. JOHNSON,
Assistant Secretary.

WASHINGTON, D. C., *February 14, 1872.*

GEORGE FOLLANSBEE sworn and examined:

To Mr. GREEN. I reside at 514 Second street northwest. I am a contractor for the Second street sewer, and also for the sewers on First street and Missouri avenue.

Question. Was that Second street sewer properly constructed?—Answer. It was. The workmanship was proper; but the sewer did not drain the property bordering on it.

Q. Was any alteration of the sewer necessary?—A. Yes.

Q. Why?—A. There is a sewer constructed down D street which I was authorized to empty into. There is no man-hole in that sewer by which its depth could be found out. My instructions were to have my outlet into that sewer. The engineer being a stranger in the city, knew nothing of the depth of it. I went on, according to my orders, and constructed the sewer; but it was not deep enough, and the consequence was that I had to take it up and make another outlet for it into the sewer on Indiana avenue.

Q. Did that mistake of the engineer entail an additional cost on the city?—A. It did.

Q. Do you know how much?—A. I do not. I have had the work measured up, but I do not know what it will amount to. I have never got paid for it.

By Mr. CRANE:

Q. Is there not a record in the city hall showing the depth of sewers?—A. That is more than I can say.

Q. Have you ever seen the map made by Mr. Donegan, with the lines of all the sewers in the city on it?—A. I have not.

Q. What amount have you been paid on the Second street sewer?—A. I have never asked for any pay for either the First street or the Second street sewer.

Q. Does not the contract state the amount?—A. It states the amount per foot, but does not state the gross amount. (Witness exhibits a copy of the contract.)

By Mr. ROOSEVELT:

Q. What is the date of the contract?—A. September eighteenth.

Q. When was it executed?—A. I do not recollect. It was not on the day of its date. We were required to notify the city authorities of our acceptance of their price.

Q. Was it signed within two weeks of its date?—A. I do not think it was.

Q. Have you any other contract which was signed after work was proceeding.—A. Yes; that for the Missouri avenue sewer. I accepted the work in writing at the Government prices.

Q. Is there any reservation of any amount to secure the performance of the work?—A. We have to give bond for it, and 20 per cent. is retained. Mr. Green was the engineer who made the mistake. I did the work under his directions. There was an inspector over us too. The sewer was not deep enough to give a fall that would drain the cellars. My contract was originally to be from Pennsylvania avenue to Massachusetts avenue. My contract was afterward extended to I street. I never received nor asked for a cent on either of the sewers. I never estimated the amount due me. I have guessed at it.

By Mr. CRANE:

Q. The amounts mentioned in the lists come to about \$12,000; will that cover the expense of those two sewers?—A. I do not know. I cannot answer that question.

Q. What is your bill for taking up that sewer and relaying it?—A. I did not compute it. It was simply so much per foot of pipe, and so much per yard of excavation.

Q. Do you not know the damage caused by that mistake?—A. I do not think it will be more than a couple of hundred dollars.

By Mr. HARMER:

Q. Who gave you the depth at which the sewer was to be laid?—A. General Green ordered one of the engineers under him to get me up a diagram of sewers of the city; and he took a pencil and ran it along the diagram to show where each sewer should enter. Mr. Oertly gave me the drawing from that information, and on that I did the work.

Q. Have you ever heard anything in relation to Missouri avenue sewer being too low—2 or 3 feet lower than they should go?—A. That rumor got out from a misapprehension of facts. The bottom of that sewer is about 9 inches above the floor of the Tiber Creek sewer, and the canal below the mouth of the sewer is filled up with mud; consequently it backs the water and mud into the Tiber Creek sewer about 2½ feet. From these causes the water is backed into the Missouri avenue sewer.

Q. What is the depth of that sewer?—A. I do not know.

Q. Do you not know how long you had to dig?—A. I did not measure it. I guess it is about 8½ or 9 feet.

Q. Do you not recollect saying to me that you thought the bottom of that sewer was lower than the bed of the Tiber?—A. No, sir; lower than the canal.

Q. And that you thought it would not answer the purpose of drainage?—A. No, sir; I do not recollect saying so, and I know positively that I did not. I may have said that it would not do for drainage until the canal is cleared out, which they are doing now.

Q. Do you recollect saying something about the blunder of Mr. Green on that sewer, as well as on the Second street sewer?—A. I said that he made a blunder at starting me at Third street instead of starting me at the outlet. It was a loss to me, not to the city.

Q. Did you not also say that you did not consider him competent as an engineer?—
A. I did not consider him competent in that case of starting me where he did. I had to pump out the water so as to lay my brick. It did not cost the board of public works anything, but it did me.

By Mr. HARMER:

Q. Did it affect the character of the work being done?—A. No, sir.

Q. Do you consider that sewer on Missouri avenue to be constructed of the proper depth?—A. I do.

By Mr. CRANE:

Q. How many times did you have the fire-engines there pumping out the sewer?—
A. Three times.

Q. Who paid the expense of that?—A. The expense came out of the city. It was not for that sewer, but for another sewer which a water-pipe had fallen in on. If I had got the correct level so as to have laid the bricks in proper time that would not have happened. But there were quite a number of contracts given out at the same time, and General Green said that he was very busy, as every contractor wanted his levels.

Q. How long would it have taken you to construct that sewer if everything had been favorable?—A. I could have constructed it in a shorter time if I could have got the materials to do it with. But there was an unusual demand here for brick, and the supply of brick ran out. We could not get it as fast as we wanted it. We can get it now. We get it here, near the city.

By Mr. ELDRIDGE:

Q. Were you required to finish the sewer at any given time?—A. Not unless it is in the contract. I never read the contract minutely.

Q. Have you settled with the board of public works as to deepening the sewer in Second street?—A. No, sir. I never got a cent for it yet. I presume I can get the money when I ask for it. The bill has gone to the auditor, but he has not yet fixed the prices. I am satisfied that the city will pay me. I wrote a letter requesting that the work should be measured up, and a surveyor was sent there to measure it.

Q. At what rate did you demand to be paid?—A. At the usual board prices.

Q. Do you expect to be paid the same as though you had dug the sewer twice?—A. Yes. I did dig it twice. It was covered up first, and I had to reopen it and widen it and dig it deeper. The extra expense will be about \$200 or \$300.

To Mr. ROOSEVELT. The effect of a flood in the Tiber would be to back up the water in that sewer, as in other sewers. I do not see any way of obviating that difficulty except by deepening the canal.

By Mr. ELDRIDGE:

Q. Could they have gone deep enough in the canal to have avoided a back-flow of water in hightide and in freshets?—A. I think not.

Q. How long have you lived in this city.—A. I was born here.

Q. How many times have you known high tides and freshets that threw the water back?—A. I cannot tell that; a number of times.

Q. What was the effect of that flowing back upon cellars.—A. The effect was to flood them.

Q. Will this Missouri avenue sewer have any effect in preventing that?—A. I do not see how it will. It will have no effect as far as the flooding is concerned.

By Mr. ROOSEVELT:

Q. Then you do not think that the Missouri avenue sewer is necessary?—A. Yes, I think it is.

Q. Only in a sanitary point of view?—A. If they had cleaned the canal out the drainage would have been sufficient without that sewer.

By Mr. ELDRIDGE:

Q. Which, in your opinion, was the best way for the drainage, by deepening the canal, or by the plan now adopted?—A. I would have had the canal filled up.

Q. Then you prefer the present plan?—A. I do. They have never kept that canal clean to my knowledge, and the consequence is that it is an injury to the people's health.

Q. Have you any knowledge as to which would be the most expensive mode—the plan of keeping the canal open and of draining in that way, or the plan of opening a sewer on Missouri avenue?—A. I should judge it would be a vast expense to keep the canal open.

Q. Why?—A. I do not think it could be dredged as cheaply as the sewer could be built.

Q. How far would it be necessary to dredge the canal, and how deep?—A. It would

be necessary to dredge it the whole distance from Third to Seventeenth street, and that is about a mile.

Q. What is the length of this Missouri avenue sewer?—A. About 1,800 feet from my outlet at Tiber Creek up to Sixth and B.

Q. And how far is that from the Potomac?—A. About eleven blocks.

Q. The plan is to build this Missouri avenue sewer to the Potomac?—A. I do not know; I believe that General Green says so.

Q. From Sixth and B street to the Potomac is there any proper drainage through the canal?—A. If you dredge it I presume there would be, but otherwise not.

By the CHAIRMAN:

Q. This part of the sewer which you are on would be necessary or consistent with either view—that is, laying the balance of the sewer or dredging the rest of the canal?—A. They have partially filled up the canal from Seventh street to Third. That was highly necessary, and I do not see how they could have avoided having this sewer; otherwise the contents of the sewers that opened upon the canal would be backed up upon the houses.

Q. So that if they dredged the canal in the part that would be capable of being kept open, that is from Seventh to Seventeenth street, the sewer would be necessary anyhow from Third to Seventh street?—A. It would be necessary from Third to Sixth street. It intercepts the Sixth street sewer, and there is no sewer that I know of between Sixth and Seventh streets.

Q. So that if the canal were kept open for commercial purposes from Seventh to Seventeenth street, it would be well, at all events, to have the sewer open from Third to Sixth street?—A. It would be.

By Mr. ELDRIDGE:

Q. Have you any experience of clearing a sewer by the plan of slushing?—A. No, sir; I know nothing of it except by hearsay.

By Mr. ROOSEVELT:

Q. Do you know how the working men voted on the question of the loan bill?—A. They voted to suit themselves. There was no interference with them.

Q. Did you see any of them vote?—A. I may have; I do not know that I did.

Q. You do not know that they voted in squads?—A. If they did, they did it without my knowledge, or without my directions.

Q. You never instructed your men to vote for or against the loan bill?—A. No, sir.

Q. You do not know that anybody else did?—A. Not that I know of.

Q. Were you for the loan?—A. Yes, sir; I think the city has been long enough without improvements.

By the CHAIRMAN:

Q. Suppose that canal were properly sewered and filled up, what effect would it have upon property adjacent to the canal, all the way from Sixth to Seventeenth streets?—A. If it were a success, I should think that it would be a decided improvement. It was a very unpleasant place to live near, I should think. I had the dumb ague all the fall from being at work there.

Q. Does the effect of the canal operate not only in its immediate neighborhood but upon the adjacent streets?—A. I should think it did.

Q. How much filling up is there in the canal from Seventh to Seventeenth streets which would have to be dredged out in order to get it to the original depth?—A. I do not know how deep those walls are, but I should think at least 6 feet.

Q. So that a great portion of the canal is already filled up by accumulations to the depth of 5 or 6 feet?—A. I should think so, except where they have been dredging it.

By Mr. CHANDLER:

Q. Was the canal the old bed of the Tiber?—A. I cannot say.

Q. How did the Tiber get to the river before the canal was open?—A. I do not know. As long as I know it, it ran eastward.

Q. Did it run to the main branch of the Potomac or to the Eastern Branch?—A. I rather think that it went to the Eastern Branch.

By Mr. ELDRIDGE:

Q. Has anybody any interest in this contract except yourself?—A. Yes, sir.

Q. Who?—A. Mr. R. S. Jacobson.

Q. Who is he?—A. He is a citizen, residing on Capitol Hill. His interest is one-half. He has nothing to do with the board of public works, if that is what you want to get at.

By Mr. CRANE:

Q. Has Mr. McKnight, who is a member of the city government, an interest with you in that work?—A. Not to my knowledge.

Q. I have observed him frequently on the line of the work, as if he had an interest in it.—A. He has had this interest in it, that he is eternally bothering me to put men on the work who are constituents of his.

By Mr. ELDRIDGE:

Q. Did Jacobson have an interest in the contract at the time you took it?—A. No, I gave it to him since. When I got the contract, or rather the three contracts, I was lying on my back sick, and did not know whether I would live or die. He got his interest after I had taken the contract.

Q. Had anybody any interest in your contract at the time you took it?—A. No, sir; I did not know I was going to get it.

Q. Were there other bids put in at the same time as yours?—A. It was not let out by bids. I bid for general work all through the city—sewers, street improvements, &c. The board took our bids, but did not accept any of them that I know of. They framed a schedule of prices to suit themselves, and then they said, "Here, you can have this job, if you will do it at board prices; if you propose to accept it, do so in writing."

Q. Were there other bids for that class of work?—A. Yes.

Q. How did yours compare with theirs; was it lower or higher?—A. It was about a medium bid; some were lower and some were higher.

Q. What is the price paid you, as compared with the cost of doing the work?—A. That I do not know, until I get my work measured up.

Q. You do not know what your profits are?—A. No, sir; I should think the work would pay me 15 or 20 per cent.

Q. Do you know whether the prices paid here are lower than the prices paid in other cities?—A. I do not know anything about the prices in other cities.

Q. Is the price more or less than it ought to be?—A. I do not think it is any more than it ought to be.

Q. Is it more or less than the prices named in the bid?—A. It is less.

Q. How does it compare with the other bids; is it more or less than the lowest?—A. I rather guess that it is a little higher than the lowest, but considerably lower than the highest. It is below the range of bids considerably. It is low compared with the ward work under former administrations. The brick pavement in the Fourth ward was ninety-five cents, when brick was much lower than it is now. Brick was then \$11 50 or \$12 a thousand, and now it is \$15 a thousand, and they only give eighty cents for the pavement.

Q. Has the price of bricks changed in consequence of the amount of work done at this time?—A. Yes, in consequence of the work done by the territorial government and by the citizens.

Q. Has the price of brick gone up since the general system of improvement was entered on?—A. Yes, sir; \$2 a thousand, I guess.

Q. Has the price of other materials used in these improvements advanced in the same ratio?—A. That which is furnished here has, I suppose. Cement was \$1 75 a barrel when we commenced, and we cannot get it at that now.

Q. What cement do you use?—A. The Potomac Mills cement—the Shepherdstown cement.

Q. Is that a good cement?—A. I would rather use it than any other. I think it is stronger. I like it better than the Rosendale cement.

Q. Do you get such cement as you choose, or is it fixed in the specifications?—A. They furnish me nothing but pipe.

Q. Do they direct you where to get any of your materials?—A. No, sir. They furnish all the contractors with pipe.

By Mr. ROOSEVELT:

Q. Did the board of public works, or any member of it, apply to you to appoint any person for them?—A. No, sir.

Q. When did you have the most men employed on your work?—A. Probably a month ago.

By Mr. ELDRIDGE:

Q. What political party do you belong to?—A. To the republican party. I never was a democrat in my life.

By Mr. GREEN:

Q. Did you buy brick from S. P. Brown?—A. No, sir. I bought no cement from him either.

By Mr. CREBS:

Q. How do you mix your cement?—A. We are required to use one barrel of cement to two barrels of sand.

Q. Will common earth and cement make good mortar?—A. I never tried, but I doubt it very much.

public works, work that was going on under Mayor Emery had been taken out of his hands.

Mr. CHANDLER repeated his willingness that the whole record should be considered as in, and said that he was not aware that he had claimed, or that Mr. Oertly had claimed, that the board was not bound to furnish any evidence in its power.

Mr. GREEN next offered and put in evidence the following abstract of titles to property conveyed to or by Mr. Shepherd:

"Alexander R. Shepherd to N. P. Chipman, May 19, recorded August 25; consideration, \$19,000; lot 3, square 222; afterward used as a club-house.

"Chipman to Shepherd, September 12, recorded December 2, 1871; lot 3, square 222; consideration, \$1.

"Shepherd to Washington Club, December 1, 1871; lot 3, square 222; consideration, \$41,000.

"Jas. T. Ward to Alex. R. Shepherd, November 28, recorded December 21, 1871; lot B, subdivision of lots 5, 6, 7, and part of 4, square 575; consideration, \$3,157.

"J. R. Ashley to Shepherd, November 15, recorded December 21, 1871; lot A, square 164; consideration, \$10—quit claim.

"W. B. Todd to Alex. Shepherd, December 21, 1871; same as above, being tax-title consideration.

"Shepherd to Ella Piatt, October 1, recorded November 27, 1871; lot A, Shepherd's subdivision of square 169; consideration, \$11,972.

"J. B. Ward to A. R. Shepherd, November 28, 1871; lot A, subdivision of lots 5, 6, 7, and part of 4, square 575; consideration, \$5,366.

"J. T. Ward to Shepherd, November 28, 1871; lot B, subdivision of lots 5, 6, and 7, and part of 4, square 575; consideration, \$3,157.

"Richard B. Norment to Shepherd, June 9, 1871, part of lot 4, square 575, corner Second street and Pennsylvania avenue; consideration, \$10,500.

"Shepherd to John Morris, of the Chronicle, July 1, 1871, recorded October 3, 1871; square lot A, subdivision 444, \$7,000.

"Shepherd to Henry Conrade, February 18, recorded August 9, 1871; lot 147, subdivision of square 623; consideration, \$5,000.

"Shepherd to Margaret Ann Norment, January 1, 1871; lot 139, Shepherd's subdivision of square 623; consideration, \$7,000.

"Shepherd to Vanderbergh, contractor for F street work, January, 1871; recorded May 8, 1871; lot 16, subdivision of part of square 732; consideration, \$8,250.

"I believe the above is correct.

"H. B. PHILBROOK."

"G. W. Pleasants to Shepherd, January 16, 1872, lots 7, 8, and 9, square 289; consideration, \$21,000.

"E. L. Stanton to Shepherd, January 29, 1872, lot 3, square 31; consideration, \$686.

"E. L. Stanton to Shepherd, January 29, 1872, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, and 16, square east of 88, known as skating-rink.

"H. B. PHILBROOK."

"The skating-rink, in square east of 88, containing 164,000 feet, was sold January 19 to R. M. Hall, for \$4,000 cash. Hall conveys it E. L. Stanton, secretary of the District, and I am informed by T. A. Waggaman, auctioneer, that the purchase-money was paid by Alexander R. Shepherd, which fact would make Stanton merely trustee for Shepherd.

"H. B. PHILBROOK.

"FEBRUARY 13, 1872."

ALEXANDER R. SHEPHERD,

To THE DISTRICT OF COLUMBIA, Dr.

For tax on real estate for the year ending June 30, 1872, to wit:

For District fund	at 65 cents per \$100 .....	.....
For school purposes	at 60 cents per \$100 .....	.....
For Metropolitan police	at 20 cents per \$100 .....	.....
For lighting the city with gas	at 15 cents per \$100 .....	.....
For redemption of bonds	at 10 cents per \$100 .....	.....
Total tax, at \$1 70 per \$100		<u>\$3,204 13</u>

DESIGNATION AND ASSESSED VALUATION OF REAL ESTATE.

Square.	Lot.	Value of—		Square.	Lot.	Value of—	
		Lot.	Improvements.			Lot.	Improvements.
40.....	10.....	\$5,392		891.....	S. 24.....	\$115	
169.....	6.....	5,455			S. 25.....	115	
	S. 51.....	1,760	\$3,000	623.....	S. 31.....	252	\$3,000
	S. 52.....	1,408			S. 36.....	252	3,000
	S. 53.....	1,408			S. 46.....	146	
	S. 54.....	1,408			S. 97.....	154	2,003
	S. 55.....	1,408			S. 112.....	154	
	S. 56.....	1,408			S. 113.....	154	
	S. 57.....	1,408			S. 114.....	154	
	S. 58.....	1,935			S. 115.....	154	
181.....	S. 32.....	473			S. 116.....	154	
	S. 33.....	521			S. 117.....	154	
	S. 34.....	564			S. 118.....	154	
	S. 35.....	592			S. 119.....	154	
	S. 36.....	593			S. 120.....	154	
	S. 37.....	593			S. 121.....	146	
208.....	S. 70.....	556			S. 122.....	600	
323.....	Of 1.....	1,063	800		S. 123.....	600	
395.....	S. 5.....	239	400		S. 138.....	855	
341.....	S. 52.....	1,440	4,500		S. 139.....	855	
442.....	S. 46.....	519			S. 140.....	855	
368.....	Of 13.....	1,667	5,000		S. 141.....	838	
	S. 50.....	1,444	4,000		Of 40.....	885	
	S. 51.....	1,444	2,000		S. 145.....	810	
	S. 52.....	1,444			S. 146.....	810	
	S. 53.....	436			S. 147.....	810	
	S. 54.....	436			S. 148.....	810	
	S. 55.....	436			S. 156.....	770	3,000
	S. 56.....	436		732.....	S. 16.....	243	4,000
377.....	Of 24.....	7,560	7,000	1108.....	S. 2.....	96	
369.....	S. 52.....	4,464	7,000		S. 3.....	143	
380.....	Of 1.....	56			S. 4.....	126	
	S. A.....	5,724	20,000		S. 14.....	126	
	S. B.....	7,760			S. 15.....	143	
405.....	Of 4.....	3,892	3,000		S. 16.....	96	
	Of 5.....	2,782	7,000		S. 17.....	89	
452.....	Of 5.....	218			S. 18.....	109	
	Of 6.....	5,088	2,500		S. 19.....	118	
455.....	N. $\frac{1}{2}$ 6.....	5,163	8,000		S. 20.....	109	
891.....	S. 18.....	115		1084.....	S. 6.....	127	500
	S. 19.....	115			S. 7.....	159	
	S. 20.....	115			S. 8.....	159	
	S. 21.....	115			S. 11.....	178	
	S. 22.....	115		S. E. of 1114.....	S. 1.....	229	
	S. 23.....	115			S. 2.....	181	

Total assessed valuation..... \$188,478.

Received payment,

By _____
Collector.

N. B.—On all taxes remaining unpaid after January 1, 1872, a penalty of three per cent. for each month after said date shall be added until the same shall be paid or advertised for sale for taxes; and said penalty shall be added to the amount due in tax-sale list.

Unless the above bill shall be paid on or before the expiration of ninety days from the date hereof, I shall proceed to advertise the above-mentioned property for sale for taxes, and proceed to sell said property.

WM. H. SLATER,
Collector of Taxes for the District of Columbia.

NOVEMBER —, 1871.

Office: Columbia Building, Four-and-a-half street N. W., Washington City.

Mr. CHIPMAN asked Mr. Green whether he had any objection to his, Mr. Chipman's, making a statement under oath in connection with the abstract just offered.

Mr. GREEN. Certainly not.

Mr. N. P. CHIPMAN was then sworn, and made the following statement:

With reference to the purchase of the piece of property known as the Club-House, I bought it last summer just before starting for California. I bought it with a view of making a residence of it. I employed an architect, who got up the plans, which have since been somewhat elaborated. Mr. Shepherd sold the property to me reluctantly. I was afterward dissuaded from going on with the plan of making a residence there by all my friends. I could not find a single person who agreed with me in the idea of

making that a residence. I had paid \$19,000 for it, which was regarded as cheap at the time, but if I had spent \$15,000 or \$20,000 in improvements, I would not, probably, have been able to get back my money, if the property should be subsequently sold for business purposes. I therefore concluded to release to Mr. Shepherd, after having gone to some expense, probably in the neighborhood of \$200, in the way of minor repairs. I released it to him for a nominal consideration, and the property passed into his hands. I never have derived from that transaction one penny of profit, but it has been rather an expense to me to the amount of about \$200. I own one share of stock in the Club-House, which I paid for. What the purpose of introducing this abstract is as to my connection with Mr. Shepherd, I do not know, but I desire to make this statement so that no inference such as is sought to be drawn from other transactions may be drawn from this one. It was a purchase in the first instance for the sole purpose of making it a residence, and when I was afterward dissuaded from doing that, I gave it back to Mr. Shepherd at a nominal price, so that no money really passed between us. The property is on New York avenue, between Fourteenth and Fifteenth streets. (To Mr. Eldridge.) I understand that the property has been sold to the Club-House, which is an incorporated body. I am a stockholder in it to the extent of one share.

Mr. ELDRIDGE. What is the par value of a share?

Mr. CHIPMAN. I believe \$500, on which I have paid one-half. It is purely a social club, consisting of men of all parties. Mr. Merrick is a prominent member, and Colonel Berret is president. Several prominent democrats of the city are members of it. It is purely social. I never have met any of the committee in the Club-House. I went into it because I thought it would be of some use to the people of the District.

Mr. ELDRIDGE. Is it in any way connected with city affairs?

Mr. CHIPMAN. Not in the least, that I am aware of. It has no relation at all to the city government.

Mr. GREEN disclaimed any intention of reflecting on Mr. Chipman in introducing the abstract. An expert had been employed to make an abstract of all transfers and conveyances to and from Mr. Shepherd for the past year, and that transaction happened to come in.

The CHAIRMAN remarked that it was very unwise and injudicious to bring in a matter of this kind merely for sensation. If gentlemen introduced matters of this kind, they should give some good reason for it, or else it should be treated as an unjust insinuation against honorable men. The committee wanted to give the fullest opportunity for investigation, but did not mean to be sensational if it could avoid it.

Mr. GREEN next presented to the committee, and put in evidence, the following report from the sub-committee appointed by the Committee of Seventy in New York, in reference to fraud in street openings in that city.

The following is the report of the Committee of Seventy on abuses in opening streets, avenues, and public parks:

The undersigned, the committee to which was referred the special duty of collecting the facts and collating the laws in relation to the opening of streets, avenues, and public parks in the city of New York, beg leave respectfully to report that they have confined their examination in the first place to the facts bearing upon this important subject—the results of which they have reduced to tabulated form—showing first the legal expenses incurred during the earlier periods in the history of the city, in opening the streets, avenues, and parks; and second, the vast increase in those expenses exhibited in the legal openings during the last three or four years. They submit these tables, without comment or remark, believing that they will abundantly suffice to show the necessity of immediate action by the legislature to reform a system so liable to abuse.

Taxed costs and charges in acquiring lands for public parks before the year 1850.

	When acquired.	Awards for lands.	Costs and charges.
Washington Square	November 19, 1827..	\$74, 951	\$2, 996
Union Square	April 4, 1833.....	110, 779	5, 174
Tompkins Square	March 21, 1834.....	89, 428	3, 743
Manhattan Square—eighteen acres, between Seventy-seventh and Eighty-first streets, and Eighth and Ninth avenues—united with Central Park by act of 1864.....	March 11, 1839.....	47, 449	7, 100
Mount Morris Square, Harlem.....	September 4, 1839..	22, 405	3, 338
Madison Square.....	May 5, 1847.....	65, 952	10, 791
		410, 964	33, 142
		33, 142	.....
Total.....	.....	444, 106	.....

N. B.—With the exception of \$500 assessed on the city for Mount Morris Square, the whole of this sum of \$444,106 was assessed on and paid by private property-holders.

COSTS AND CHARGES IN OPENING SUNDRY STREETS BEFORE 1840, IN LOWER PART OF CITY.

	Amount of awards.	Costs and charges.
Fulton street—Broadway to Rider's alley, near Gold street...	\$190, 242	\$2, 859
William street—Wall to Exchange Place.....	11, 348	801
Beaver street—William to Broad	54, 539	1, 899
Pine street—Nassau to Broadway	51, 343	1, 333
Chapel street, (West Broadway).....	210, 904	7, 999
Wooster street, (University Place,) Waverley Place to Union Place, Fourteenth street.....	53, 338	2, 581
Centre street—closing Cross street and extending Reade street.....	264, 006	7, 363

STREETS AND AVENUES ABOVE FOURTEENTH STREET.

Irving Place—Fourteenth to Twentieth street....	\$18, 267	\$872
Fourth avenue—Seventh to Twenty-eighth street.....	528	715
Lexington avenue—Twenty-first to Thirty-first street.....	47, 853	1, 396
Fifth avenue—Twenty-first to Forty-second street.....	42, 567	2, 865
Seventh avenue—Twenty-first to One Hundred and Twenty-ninth street, (exceeding five miles).....	28, 141	13, 350
Fifty-seventh street—Hudson River to East River (nearly two miles).....	.....	2, 117
Forty-ninth street—Hudson River to East River, (nearly two miles).....	.....	1, 190
Eighty-first street—Second to Third avenue.....	.....	553
Eighty-third street—Avenue A to Third avenue .....	.....	539
Eighty-sixth street—Eighth avenue to Hudson River.....	.....	1, 395

The taxed costs and charges in acquiring lands in public parks since 1850, (with the exception of the costs in acquiring Central Park, not yet fully ascertained by the committee,) has been as follows :

CENTRAL PARK.

The cost of the land acquired before 1860 is stated in the city comptroller's report for 1860 as being..... \$5,409,441
 Of this sum there was collected from assessments upon private property-holders..... 1,661,393

Paid by the city..... 3,748,048
 In the extension of the park in 1862, from One Hundred and Sixth to One Hundred and Tenth street, lands were acquired for which awards were made of about \$1,200,000, of which one-third was paid by assessments on private property-holders, leaving the sum paid by the city about..... 800,000

Total paid for lands in the park by the city..... 4,548,048

The costs and charges in acquiring the whole park are stated to have been about \$80,000, but more precise particulars will be ascertained and stated hereafter.

As an appendage to the Central Park, a "public place" on Fifth avenue, about 200 feet square, between Fifty-eighth and Fifty-ninth streets, was opened on the 29th of May, 1869.

The awards for the land were..... \$495,750
 The amounts assessed..... 533,531

Leaving for the costs, &c..... 37,781
 The amount assessed on the city was..... 163,166

As a further appendage to the park the "circle," 400 feet in diameter, largely composed of streets intersecting the Eighth avenue at this point, was opened on the 28th of February, 1868.

The awards for the lands, not occupied by the streets and the avenue, amounted to..... \$504,992
 The assessments to..... 545,810

Leaving for the costs, &c..... 41,047
 The amount assessed on the city was..... 279,952

A public place on Ninth avenue, on or near Sixty-third street, was opened December 22, 1870.

Awards for land..... \$134,082
 Costs and charges..... 15,574

Total..... 149,656

Assessed on city..... 76,500
 Assessed on private property-holders..... 76,980

Total..... 153,480

MORNINGSIDE PARK,

extending from One Hundred and Tenth to One Hundred and Twenty-third street, was opened August 7, 1870.

Awards for lands..... \$1,548,353
 Taxed costs and charges..... 126,035

Total..... 1,674,388

Of this sum there was assessed on private property-holders..... 896,693
 In the city..... 777,695

RIVERSIDE PARK,

near the Hudson River, extending from Seventy-second street to One Hundred and Twenty-ninth street.

The legal proceedings for acquiring the lands in this park are not yet completed.

On the 10th July, 1871, the commissioners made their report, awarding for the lands	\$5,718,920
Of which there was assessed upon the city	2,928,245
And on private property-holders	2,810,552
Making a total assessment of	5,738,797
It is stated that the costs and charges were taxed at	242,061
With fees to the collector of the assessment	134,137

The report has been vacated by the supreme court and sent to new commissioners, who have not yet reported. This second proceeding will probably add considerably to the costs above stated.

THE "PUBLIC DRIVE" OR "BOULEVARD,"

extending from Fifty-ninth street to One Hundred and Fifty-fifth street, which may be regarded as appendage to the public parks, was opened June 15, 1868.

The amount awarded for lands was	\$3,490,348
The taxed costs and charges were	117,568
Total	3,607,916
Of this sum there was assessed on private property-holders	1,727,218
On the city	1,880,698

THE AVENUE ST. NICHOLAS,

with Manhattan street, its branch, was opened May 24, 1869.

The awards for the lands taken were	\$845,286
The taxed costs and charges were	115,867
Total	961,153
The assessment upon the city was	\$21,442
On private property-holders	939,711

The widening of Broome street, about 150 running feet, was confirmed July 18, 1871.

The amount awarded for the land taken was	\$47,000
The taxed cost and charges were	18,850
The fees of collector were	1,650
Total	67,500
Of this sum there was assessed on the city	\$12,000
On private property-holders	55,500

CHURCH STREET EXTENSION—CONFIRMED DECEMBER 30, 1867.

Awards for lands taken	\$2,567,507
Taxed costs and charges	75,848
Total	2,643,355
Nothing assessed on the city.	
On private property-holders	2,707,152
Excess, (applicable to collector's fees)	63,797

WIDENING BROADWAY—THIRTY-FOURTH STREET TO FIFTY-NINTH STREET.

First report of commissioners confirmed December 28, 1870.

Awarded for lands	\$4,528,691
Awarded for buildings	777,326
Awarded for leases	483,030
Total	5,789,047

Taxed costs and charges	\$165, 632	
Expenses not explained	148, 861	
		<u>\$314, 493</u>
Total		<u>6, 103, 540</u>
Assessed on private property-holders		\$4, 032, 681
Assessed on reversions		36, 351
Assessed on the city		2, 034, 515
Total		<u>6, 103, 547</u>

This report was set aside, after confirmation, for reasons not necessary here to state, and new commissioners were appointed, who, it is said, have reduced the amount of awards about \$1,700,000. The question of confirming this second report is now pending before Justice Cardoza, whose decision, it is said, may be delayed to await the judgment of the court of appeals on the question of the legal power to set aside the first report.

The costs and charges will probably be considerably increased by the expenses of this second commission.

COSTS AND CHARGES OF OTHER STREET OPENINGS IN 1870, NORTH OF SEVENTY-SECOND STREET.

	Costs and charges.
Jan. 22. Eighty-first street, Second avenue, to East River	\$5, 741
March 10. One hundred and Twelfth street, Eighth avenue, to Hudson River	10, 441
March 25. One hundred and Thirty-first street, Eighth avenue, to Harlem River	7, 695
March 25. One hundred and Twenty-eighth street, Sixth avenue, to Eighth avenue	4, 962
April 20. Eighty-eighth street, Fifth avenue, to East River	8, 157
May 10. One hundred and First street, Eighth avenue, to Hudson River	6, 255
May 24. Ninetieth, Ninety-first, Ninety-second, and Ninety-third street, Fourth avenue, to Fifth avenue	8, 762
May 25. Eighty-ninth street, Fifth avenue, to East River	8, 120
June 27. One hundred and Fourth street, Fifth avenue, to Harlem River	7, 980
June 27. One hundred and Fourth street, Eighth avenue, to Harlem River ..	7, 744
June 27. Seventy-third street, Eighth avenue, to Harlem River	7, 995
June 28. Seventy-eighth street, Eighth avenue, to Harlem River	6, 210
July 11. Ninety-fifth street, Fifth avenue, to East River	6, 655
July 11. Ninety-eighth street, Fifth avenue, to East River	7, 137
July 14. One hundred and Twenty-first street, Eighth avenue, to East River ..	10, 652
July 14. One hundred and Third street, Fifth avenue, to East River	7, 637
July 15. One hundred and Twentieth street, Eighth avenue, to East River ..	5, 742
July 15. One hundred and Seventeenth street, Fourth avenue, to Eighth avenue	7, 147
July 18. One hundred and Twenty-second, One hundred and Twenty-third, and One hundred and Twenty-seventh streets, near Tenth avenue, \$27,634; collector's fees, \$4,335	31, 969
July 26. Ninety-seventh street, Fifth avenue, to East River	6, 882
July 28. One hundred and Forty-sixth street, Eighth avenue, to East River ..	5, 020
Total in twenty-one cases	<u>178, 901</u>
Average	<u>\$8, 521</u>

Costs and charges in opening other streets, viz, in extending Park Place from College Place to West street, confirmed February 25, 1871:

Awarded for lands	\$166, 795
Awarded for buildings	63, 550
Awarded for leases	409, 503
Total	<u>639, 848</u>
Taxed costs and charges	\$58, 000
Other expenses, (not explained)	17, 643
	<u>75, 643</u>
Total	<u>715, 491</u>
Of this sum there was assessed on the city	<u>\$357, 657</u>

The widening of Laurens street, from Washington square to Canal street, was confirmed February 27, 1870.

Awarded for lands.....	\$1, 810, 440
Taxed costs and charges.....	144, 334
Total.....	1, 954, 774

Of this sum there was assessed upon the city \$788, 222

The extension of Lexington avenue, from Sixty-sixth to Seventy-seventh street, was confirmed April 25, 1870.

Awarded for lands.....	\$1, 438, 063
Taxed costs and charges.....	72, 075
Other expenses, (not explained).....	33, 275
Total.....	1, 643, 603

Of this sum there was assessed upon the city \$773, 532

LA FAYETTE PLACE EXTENSION.

(One hundred feet wide) from Great James street to Bond street. The report was recently presented by the commissioners, and notice of motion for confirmation advertised for the — February instant.

Awards for lands, about	\$690, 000
Costs and charges not yet known.....	
Amount assessed on city	300, 000

The residue on private property-holders.

It is believed that the preceding statement embraces nearly all of the most important openings of streets, avenues, and public parks within the last three or four years. It may suffice to convince the Committee of Seventy and our fellow-citizens and tax-payers in general of the necessity for prompt legislative reform in reducing the heavy burden now experienced in the legal expenses of these proceedings, more especially as many streets and avenues, including the "Eastern Boulevard" and its accompanying parks, in the upper part of the city, yet remain to be laid out and opened. We should also bear in mind that all legislative control over the laying out and opening of new streets is surrendered by the existing charter to our local municipal authorities; the board of public parks laying out in their sole discretion any new streets, avenues, or public parks in that part of the city north of Fifty-ninth street; while the whole lower portion of the city south of that line is intrusted to the unlimited power of the existing "board of street openings," consisting of the mayor, comptroller, commissioner of public works, president of the department of parks, the four commissioners of taxes, and the corporation counsel; a majority of whom can lay out and establish at any time any new streets, if not in secrecy, at least without sufficient notice to the land-owners affected, or adequate opportunity for remonstrance or explanation.

The committee would state, in conclusion, that they have caused to be compiled from the public accounts in the city comptroller's office, now accessible to all our citizens and tax-payers, a statement in detail of the principal items of costs and charges taxed in several of the most important cases referred to in the present communication.

Believing that this detailed statement may be necessary to the committee on legislation and to the Committee of Seventy in proposing the necessary remedies for the evils in question, it is herewith submitted.

SAMUEL B. RUGGLES,
HENRY NICOLL,
JAMES M. BROWN,
Committee.

NEW YORK, Thursday, February 8, 1872.

MR. GREEN also submitted, as an abstract of the list furnished by the board of public works, the following statement:

As suggested by the committee, the undersigned have selected, out of the great mass of jobs and contracts, a few only to sustain the complaints of the memorial.

The answer of the board of public works to our first call for information, was a set of blank forms of contracts. This was doubtless intended to express their contempt of our clients, but we regard it as an insult to the committee and to the House of Representatives.

We now offer in evidence the exhibits or lists of contracts and of work done without

contracts, subsequently sent to the committee by the board of public works. But we deny the correctness of the figures in those lists *in toto* and item by item.

We offer them in evidence, not as proof of the amount of work contracted for, or done, or to be done, or hereafter to be contracted for, but as proof of a deliberate purpose to mystify and deceive the committee, and, through the committee, practice a fraud upon Congress.

The manifest purpose of these "lists" is to mystify the memorialists and the committee.

To enable the committee, Congress, and the people of the United States to penetrate and dispel that mist, we submit an analysis, by figures made by experts, of a few of the most prominent jobs and contracts which, on a brief and necessarily hurried examination of the "lists" presented, have arrested our attention.

1ST.—THE TIBER CREEK SEWER.

The estimate for this job, submitted by the board of public works to the legislature June 20, 1871, was as follows: 11,000 linear feet, at \$60 = \$660,000, less 20 per cent. for cash payments.

The only appropriation, *if any*, is to be found in the act of July 10, 1871, section 2, which provides "that in no case shall the board enter into a contract for any work or improvements, the cost of which shall exceed the amount estimated therefor in its aforesaid plan, *less twenty per centum of said estimate.*"

The appropriation was limited to \$60 — 20 per cent. = \$48 per linear foot ×
 11,000 = \$528,000
 But the contract price was \$102 50 per linear foot × 11,000 1,127 500

Being an excess of \$54 50 per linear foot, or 599,500
 over and above the amount appropriated.

If, as sworn to by the contractor, Williams, the work costs him \$157 per linear foot, then his loss on the whole job will be \$54 50 × 11,000 linear feet = \$599,500; a remarkable result of *figures* when compared with the excess of the contract price over appropriation.

But the *lists* furnished by the board of public works fix the cost of the Tiber Creek sewer at \$170,625; a palpable error, if not a manifest fraud, attempted to be practiced on the committee, and through them on Congress and the people.

2D.—THE SEVENTH STREET ROAD.

The *appropriation* for this, if any, is under the second section of the act of July 10, 1871, above quoted, and is \$2,500 — 20 per centum = \$2,000.

The report and testimony of B. D. Carpenter, second assistant engineer board of public works, show that the work is now about three-fourths done, and, when finished, will cost \$120,000 to \$125,000, and that there has been already expended \$74,960 82
 Deduct amount of appropriation 2,000 00

Makes excess of expenditure already made over and above the amount appropriated 72,960 82

3D.—PENNSYLVANIA AVENUE. CONCRETE PAVEMENT. (J. O. Evans, contractor.)

The "statement," or estimates submitted to the District legislature, June 20, 1871, contained the following:

For wood-pavement on Pennsylvania avenue between Fifteenth street and aqueduct bridge, 63,530 square yards at \$4, = \$264,120.

If the act of July 10, 1871, was a lawful appropriation, then the appropriation was \$264,120 — 20 per cent., = \$211,296. This was for wood-pavement. There is no appropriation whatever for *concrete*.

The lists furnished by the board of public works show that the contractor has been or is to be paid for *concrete*, as follows:

From Fifteenth street to Madison Place, 2,316 square yards \$10,153 60
 From Madison Place to Eighteenth street, 12,644 square yards 55,466 66

Being for 14,960 square yards 65,620 26
 which is at the rate of \$4 38 per square yard, while the board price is only \$3 20 per square yard; being an overpayment of \$17,652 80, which may, perhaps, be accounted for by "excessive" measurements in computing the amount of "work done." (See the board's communication to the legislature, June 20, 1871.)

These results have been obtained by measurement of Pennsylvania avenue at Fifteenth street, making *width* of concrete 60 feet. The *distance* was taken by the calculator from Forsyth's map.

We have already shown by testimony of Albert Grant, and, if necessary, will prove by many other experts, that the actual cost of the kind of so-called *concrete* laid cannot exceed 90 cents per square yard.

14,960 square yards $\times$ 90 cents =	\$13,464 00
Which, deducted from price paid, or to be paid	65,620 26

Makes contractor's profit.....	52,156 26
--------------------------------	-----------

But, if 14,960 square yards will give a profit of \$52,156 26, then 63,530 square yards, (the area given the board's estimates,) will give as <i>profit</i> to the contractor	\$220,449
The whole appropriation, which was for <i>wood</i> , not <i>concrete</i> , pavement, was	211,296

Makes contractor's profit.....	9,153
more than the whole amount appropriated.	

4TH.—F STREET NORTH, WEST OF SEVENTEENTH.

The appropriation for this work is to be found in a law of the Sixty-eighth Council of the city of Washington, (p. 184, ch. 527,) entitled, "An act to grade and trim F street north, between Seventeenth and Twentieth streets," and is limited to "\$600, or so much thereof as may be necessary."

The report of William Forsyth, assistant engineer, dated 2d February, 1872, addressed to W. E. Chandler, esq., counsel for the District of Columbia, and by him laid before the committee on the 3d of February, shows that the expenditures of the board of public works on F street, under this appropriation of "\$600, or so much thereof as may be necessary," have been, or will be, for excavation, curbing, and brick paving..	\$18,724 95
For paving	36,149 10

Total.....	54,874 05
Deduct amount appropriated	600 00
Unlawful expenditure.....	52,274 05

If time and patience would permit, we might take up the other operations of the board of public works, one after the other, and demonstrate in each case by figures a similar disregard of law, extravagance, recklessness, and incompetency, and in these so-called lists a studied purpose to make a false and fraudulent statement to the committee.

But we pass to other features of the case, and offer in evidence other figures to prove the fraud attempted to be practiced on the memorialists on the committee, and through the committee on Congress and the people of the United States, by the "lists" sent to the committee:

1ST.—F STREET, WEST OF SEVENTEENTH.

Assistant Engineers Forsyth and Oertly contradict each other as to the contracts for paving F street.

Forsyth reports the cost at	\$36,149 10
of which he says \$14,385 have been paid.	

In lists of "contracts" and of "work done and progressing under orders, and for which formal contracts are in course of preparation," Oertly gives columns of figures, which he certifies and swears to as the "total."

In this "total" there is but one item for paving F street, viz	8,580 00
Difference between Forsyth and Oertly.....	27,569 10

Again, Assistant Engineer Oertly certifies and swears to his certificate, which is as follows:

Contract No. 31, <i>Miller</i> pavement: F street, from Seventeenth to Eighteenth west; L. S. Filbert, contractor.....	\$8,580 00
Contract No. 39, <i>Evans</i> pavement: Scott Square, Madison Place, G street, Seventeenth to Eighteenth: F street, Seventeenth to Eighteenth; J. O. Evans, contractor.....	48,553 60

Here we have two different contractors, two different contracts, two different kinds of pavement for F street, between Seventeenth and Eighteenth streets.

2d. Eleventh and Twelfth streets, from E to F, Stowe pavements. Assistant Engineer Oertly certifies that the Stowe pavement on Eleventh street, L. Clephane, contractor, (No. of contract, 29,) cost.....	\$15,456 00
On Twelfth street, L. S. Filbert, contractor, (No. 27,).....	5,093 33
Difference	<u>\$10,362 67</u>

On Eleventh street the *width* is 50 feet; on Twelfth street, 40 feet. The distance is the same on both. Then we have—

On Eleventh street, 50 by 348 feet = 1,933 square yards, at \$7 99 =.....	\$15,456 00
On Twelfth street, 40 by 348 feet = 1,547 square yards, at \$3 29 =.....	<u>5,093 33</u>

3d. SEVENTEENTH STREET.—On *list* which we have marked A, Assistant Engineer Oertly certifies as follows. (See item numbered in lead pencil, 24 :)

Scharff pavement, Pennsylvania avenue to New York avenue...	698 feet.
Scharff pavement, Pennsylvania avenue to H street.....	419 feet.
	<u>1,117 feet, \$1,420 80</u>

On list B, he certifies as follows :

Scharff pavement, G street to New York avenue, (522.6 feet,).....	<u>\$9,168 50</u>
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We submit, without offering to *prove*, that if \$1,420 80 for 1,117 feet of Scharff pavement is correct, then \$9,168 50 for 522.6 feet of the same kind of pavement is not correct.

BEN. E. GREEN,
Of Counsel for Memorialists.

Mr. Chandler submitted the following replies in writing, from governor Cook, to interrogatories put to him at a previous meeting :

EXECUTIVE OFFICE, DISTRICT OF COLUMBIA,
Washington, February 14, 1872.

SIR: In pursuance of the request of your committee, I have the honor to submit herewith written answers to the interrogatories submitted by Messrs. Coombs and Green on the 7th instant :

FIRST INTERROGATORY

The cost of the two registrations made for the April and November elections, specifying the items in each case, together with a statement of the reasons for holding two elections in one year.

ANSWER.

1. The total cost of the two registrations was \$28,068 25, as will appear from the statements of the comptroller of the District, herewith submitted, marked B B. This statement gives the details of the cost of each registration.

2. The entire cost of the first registration was \$13,550 33, and of the second, \$14,517 92, making a difference of \$967 59, which was chiefly produced by the fact that notices of the second registration were published in a larger number of papers than the first. This was done so as to give the greatest possible notice to the voters of the times and places of registration.

3. Two elections were held in one year because the organic act required that the first election should be held within sixty days from the passage of the act, and a second election was necessarily required within the current year; but was held at a period earlier than might otherwise have been done, in consequence of a temporary injunction, which prevented the loan being made, which the legislature by the act of July 10, 1871, had authorized for permanent improvements; and the necessity of providing means, with as little delay as possible, for the completion of projected improvements, some of which were in progress and could not be delayed without serious loss and inconvenience to the District. The organic act required that all acts authorizing loans in excess of 5 per cent. of the assessed property of the District should be submitted to a vote of the people at a general election, and that such acts should only become operative provided they received a majority of the votes cast for the members of the legis-

lative assembly. The temporary injunction was granted chiefly upon the construction of the law that the four-million loan authorized by the legislature would exceed the amount of indebtedness which the District was allowed to contract without a vote of the people; and while this idea was not entertained by the officers of the Government, it was deemed judicious to submit the question to the people, and thus prevent the injury resulting to the credit of the District from the argument of opponents that the proposed loan would be illegal without such vote.

SECOND INTERROGATORY.

What buildings have been hired for the use of the various branches of the District government, at what rent each, and what the cost of fitting up and furnishing each, with a statement of the authority under which such buildings were hired, fitted up, and furnished, giving the reasons also why the city hall was not used until other quarters could lawfully be obtained?

ANSWER.

1. Three buildings have been hired for the use of the District government. First, the house No. 1701, corner Pennsylvania avenue and Seventeenth street; second, the house No. 214 and 216 Four-and-a-half street, near Pennsylvania avenue; and, third, Metzert Hall, on Pennsylvania avenue. The first was rented and has been used for the offices of the governor and secretary of the District. It was rented in March, 1871, and immediately used by the governor and secretary, and, for a while, by the board of public works and board of health. It became necessary to rent this building, among other reasons, because the corporation of Washington, by the organic act, was continued in existence until June 1, and, as a consequence, would occupy the city hall until that date. Another building was, therefore, indispensable, in order that the necessary business of inaugurating the new government should be transacted. This building continues to be occupied by the governor and the secretary of the District, and the force necessarily connected with their offices, and by a portion of the engineer department of the board of public works. The rent is \$125 per month. The cost of fitting up and furnishing was \$3,166 24, as per statement of comptroller, annexed and marked F.

2. It was found that the city hall, when vacated by the officers of the city of Washington, would be insufficient to accommodate the officers of the new government, and it was deemed best for the convenience of the government, and efficiency in the discharge of the duties of its several officers, as far as possible to concentrate them. Besides, the supreme court of the District required additional portions of the city hall for the transaction of its business. These considerations led to the renting of what are called the "Morrison Buildings," which, in consequence of their location and the number of rooms they contained, (forty in number,) were believed to be suitable for the officers of the District. They were rented on the 1st of May, 1871, for \$3,600 per year, payable monthly, with the privilege of purchase. The amount appropriated by the legislature for fitting up this building was \$48,720, which sum has been paid. This includes the necessary furniture of the building as well as the construction of a fire-proof building, four stories high, for the preservation of the records of the District. The carpenter who made the alterations in the building claims an additional sum, and the subject has been referred to competent referees to examine and report on his claim. This building is occupied by the board of public works, as well as by the District government. The city hall is occupied by the supreme court of the District, the recorder of deeds, the court of probate, and the register of wills. The occupancy of the city government of Washington was confined principally to the aldermen's chamber and the council chamber, used by the circuit court, and to the rooms used by the mayor, city register, collector, auditor, and surveyor. By means of the change the government was enabled to give additional and necessary accommodations to the recorder of deeds, by surrendering to him the chamber previously occupied by the equity court, and by appropriating the aldermen's chamber to the accommodation of the equity court, where it is now held. The city hall, under the arrangement, at present, furnishes no more room than is essential to the accommodation of the recorder of deeds, register of wills, and the courts, excepting one or two small rooms occupied by the District surveyor. Reference is here made to the letter of the chief justice and justices of the supreme court and of the other officers named, as to the necessity for the change made, hereto annexed and marked G.

3. Metzert Hall was leased by the legislature at a rental of \$2,500, and furnished at a cost of \$1,124 31. The term of the legislature, as prescribed by the organic act, being for the first session one hundred days, and the subsequent sessions sixty days, required the daily use of a proper building during these periods. If the city hall had afforded sufficient room and accommodations for the sessions of the legislature, it is clear that they could not have been held there inasmuch as the courts required all the rooms not constantly occupied by the officers of the corporation of Washington, and which could possibly have been used by the legislature during the same time. It is thus manifest that the city hall could not be used until other quarters could be obtained, and the buildings procured were therefore

required by the necessities of the new government established by Congress. The authority for procuring these buildings was found in the fact that they were necessary for the government which in part under the organic act went into operation immediately after the approval of the act on the 21st of February, and the appointment of the governor, the secretary of the District, and the board of public works, early in March. It is presumed that the committee will require no citation of authorities to establish the proposition that when a government is created or acts required to be done by legal authority, the means necessary for the accomplishment of the objects of the law are authorized whether expressly mentioned or not. But if technical authority be required, it will be found in the acts of the legislature approving the selection and making appropriations for payment for the several buildings.

THIRD INTERROGATORY.

The amount of work contracted for previous to November 22, 1871, under what law authorized, the total amount of money specified in these contracts, and also total cost of all other work contracted for since November 22, 1871, whether by verbal or written contract, in each case specifying the name of contractor, the cost of work under each contract, and amount not executed under each contract, the nature of the work, and the locality clearly defined where the work has been or is to be performed under such contract.

ANSWER.

The information asked for by this interrogatory is furnished so far as at present practicable by the statements of the board of public works heretofore made, and which is referred to as an answer to this inquiry. An additional statement of Mr. B. Oertly, assistant engineer, is herewith submitted, dated February 13, marked H. The authority for making these contracts will be found in the thirty-seventh section of the organic act, and in the several acts of the legislative assembly making appropriations for improvements in the District.

FOURTH INTERROGATORY.

What offices have been created by the legislature, and at what salaries each: what by the board of public works, and what by the board of health; with the names of the incumbents, and the salaries attached to each, and by what law authorized?

ANSWER.

1. Schedule I shows the officers created by the legislature, the salaries of each, and the names of the appointees.

2. The officers created by the board of public works will be found on Schedule J, with the names of the incumbents, and the salaries of each.

3. Those of the board of health appear from Schedule K. A summary statement of the annual salaries of the District officers, and of the late corporation, marked C, and a classified statement in detail of the officers of the District, marked C C, and a summary statement of the expenditures of the late corporation, marked E, are also annexed.

4. The acts creating the offices of the District will be found in the "Acts and resolutions of the first session of the legislative assembly of the District of Columbia," especially on p. 74. The thirtieth section of the organic act (16 Stat. at Large, p. 425) provides that the legislative assembly shall have power to provide for the election or appointment of such ministerial officers as may be deemed necessary to carry into effect the laws of said District, to prescribe their duties, their terms of office, and the rate and manner of their compensation. The eighteenth section (ib. 423) provides that the legislative powers shall extend to all rightful subjects of legislation in the District, subject to enumerated exceptions and repeal and modification of its enactments by Congress. The election and appointment of officers is not included in any of the exceptions, and it is believed, in the absence of any other provision, these would have authorized the creation of necessary offices.

5. The thirty-seventh section of the organic act gives to the board of public works entire control of the streets, and authorizes them to make all regulations which they may deem necessary for keeping the streets, &c., in repair; to make regulations for the construction of private buildings, and empower them to assess the cost of improvements; to disburse upon their warrants all moneys appropriated by the United States or the District of Columbia, or collected from property-holders in pursuance of law for improvements, &c. These are a few of their many duties. It is too plain to admit of a doubt that the performance of these various duties requires the existence, and of consequence involves the right of appointing needed officers or employes. Without these the duties required of the board could not be performed.

6. The twenty-sixth section of the act of Congress of February 21, 1871, (16 Stat. at Large, p. 425,) authorizes the appointment of a board of health, and imposes on the members the ordinary duties of such board. The proper execution of these duties demands an adequate force, and accordingly it has been created by the board.

7. The legislative assembly has recognized the appointees of the board of public works and board of public health by appropriations for their payment.

FIFTH INTERROGATORY.

What amount has been appropriated for contingencies ; what amount has been expended under such appropriations, and for what purpose, giving the items ?

ANSWER.

Appropriations have been made for necessary contingent expenses of nearly every branch of the District government. It would be difficult to give, within a limited time, all the items ; to do so would involve an examination of nearly all the accounts against the District. The appropriations appear in the printed volume containing the laws of the District, and the items expended under any particular appropriation will be given with the least possible delay, if required by the committee.

SIXTH INTERROGATORY.

In how many newspapers has the corporation advertising been ordered, the names of such newspapers, with the amount paid or due each, covering the whole cost of advertising ordered by the various branches of the District government, to include, also, all job-printing, by whom done, and at what cost ; the whole expense of advertising the four-million loan bill, the interest bill, and the Piedmont Railroad bill ; to be made up separately, with the number and names of the newspapers in which they were advertised.

ANSWER.

A reply to this interrogatory will be found in Exhibit B of the comptroller of the District, to which reference is made, as well as in my letter of February 7, 1872, addressed to Mr. Chandler, in response to a previous inquiry of the memorialists.

SEVENTH INTERROGATORY.

The total expense of the District government up to December 31, 1871, with approximate estimate of cost up to June 30, 1872 ; giving the amount of salaries, contingent and judicial expenses, schools, police, fire department, &c., separately.

ANSWER.

Detailed statements of these expenses will be found in two exhibits of the comptroller of the District, marked A and A A.

EIGHTH INTERROGATORY.

The object for which tickets in the negative on the four-million loan-bill were required to be headed "Against special improvements."

ANSWER.

The legislature, in its discretion, required that the tickets for improvements should bear the words "For special improvements," and those against, the words "Against special improvements." These words clearly indicated the character and purpose of the ballots, and fairly presented to the people the issue involved in the election. It was doubtless for this purpose that the law required the tickets which might be cast in opposition to the loan to contain the truthful and appropriate words, "Against special improvements."

NINTH INTERROGATORY.

If an advisory board of engineers has been appointed by the board of public works, and, if so, the names of the men composing said board, and if the work on the Washington Canal, the Missouri Avenue sewer, and other improvements are being executed with the advice and approval of said advisory board.

ANSWER.

An advisory board of engineers, consisting of General M. C. Meigs, General A. A. Humphreys, General O. E. Babcock, Surgeon General J. K. Barnes, and Fred. Law Olmstead, esq., was selected by the board of public works, and several consultations were held with them (except Mr. Olmstead) in relation to the projected improvements. The proposed improvements were generally brought to their attention ; but I cannot say whether the Washington Canal and the Missouri avenue sewer were at any regular meeting specially presented for their consideration.

TENTH INTERROGATORY.

The number of laborers in the employ of the corporation, and in the employ of contractors on corporation work at the time of the late election.

ANSWER.

The number of laborers in the employ of the District government on the 22d of November appears from statement accompanying letter of Mr. Shepherd, of February 2, already submitted to the committee. It is impossible for me to say what number were employed by the contractors. It is believed, however, that only such number was employed as was necessary for the proper execution of their contracts. It may be added that, shortly after the election, the number employed by the board was increased; this was in order to have the largest amount of work done prior to the commencement of the winter weather.

ELEVENTH INTERROGATORY.

If the various funds of the corporation have been kept separate and distinct, as required by the third section of the act of Congress approved July 7, 1870.

ANSWER.

The act of Congress approved July 7, 1870, related to the officers of the old corporation of Washington, which were abolished by the organic act. The funds of the present territorial government have, however, been kept separate and distinct.

TWELFTH INTERROGATORY.

The amount of claims held against the old corporations of Washington, Georgetown, the levy court, and the new district government, by the First National Bank, whose president is governor of the District, and which is made the depository for corporation funds; giving the rate of discount at which said claims were bought.

THIRTEENTH INTERROGATORY.

The amount of the corporation of Washington sinking-fund that has been held by the First National Bank, giving the length of time said bank has held said deposits, and whether it has paid interest upon the same, and, if so, how much. Also the amount of funds belonging to the present District government now on deposit in said bank, and whether interest is paid upon the same.

ANSWER.

In reply to the twelfth and thirteenth interrogatories, I desire to say that they call for transactions of the First National Bank with its customers which ought not, on any showing yet made by the memorialists, to be inquired into. But, to prevent misapprehension, I submit herewith statements of the cashier of the bank, marked L and M, giving the information called for.

FOURTEENTH INTERROGATORY.

Whether any part of the four-million loan, under either of the two acts of the legislature providing for the same, has been hypothecated or sold, and, if so, to whom, and to what amount.

ANSWER.

An answer to this question will be found in a statement of the comptroller herewith, marked N, accompanied by my letter of February 7, to Mr. Chandler, prepared in reply to a former inquiry of the memorialists.

FIFTEENTH INTERROGATORY.

The total cost of the P street bridge, giving the cost originally contracted for, and the reason why the contract was changed; also, why Seneca stone was substituted in the place of blue-stone for the copings of said bridge, and the cost per yard of said Seneca stone-coping.

ANSWER.

An answer to this inquiry may be found in the accompanying letters of Colonel James A. Magruder, marked O, and of J. V. W. Vandenburg, esq., marked P. Seneca-stone was not substituted, but was called for by the contract of the cities of Washington and Georgetown with Mr. Vandenburg, of November 28, 1870.

SIXTEENTH INTERROGATORY.

The cost of the change of grade, building of bank-walls, stone-steps, relaying of foot-walks, lowering of pipes, paving of carriage-way and alley on F and other streets west of the War Department and south of Pennsylvania avenue, giving the law and appropriation under which said work is being executed.

ANSWER.

The information asked for in reference to F street has been already furnished in a letter of Mr. Forsyth, under date of February 2. The additional information called for is given in a statement of Mr. B. Oertly, assistant engineer, dated February 13, and marked Q.

SEVENTEENTH INTERROGATORY.

If the board of public works, or any member thereof, is or has been paid a salary out of the funds of the corporation, in addition to the salary paid said board by the General Government; and, if so, the amount of such salary, and the law under which it is paid.

ANSWER.

No such salary has been paid.

EIGHTEENTH INTERROGATORY.

If secret agents are employed by the governor or board of public works; and, if so, for what purpose, and at what salary, giving the amount paid or due said agents, the names and number of those so employed, with the law authorizing their employment.

ANSWER.

No secret agents are or have been employed.

NINETEENTH INTERROGATORY.

If contracts have been directly or indirectly awarded to detectives in the employ of and drawing pay from the corporation; and, if so, the name or names of such detective or detectives, and the amount of contracts so awarded.

ANSWER.

I believe George Miller, one of the detectives of the Metropolitan police department, has an interest in a contract, which is in the name of J. Stewart & Co., and embraced work to the amount of about \$5,000.

TWENTIETH INTERROGATORY.

If refreshments and intoxicating liquors were furnished to the board of registration at the expense of the corporation, either at the April or November elections; and, if so, the cost of such refreshments and liquors, and the name of the party or parties that furnished them; also, if intoxicating liquors were allowed to be used at any of the voting-precincts at the late election.

ANSWER.

I have no knowledge that at the April or November elections the board of registration was furnished with refreshments or intoxicating liquors, or that any such liquors were allowed to be used at the voting-precincts at the last election. The board, with a number of clerks, were engaged prior to the election in preparing the lists of voters, and to complete the work; it was necessary for them to hold sessions during about forty days, and to meet at night to complete the work of the day. During this period, as appears from the bill of S. W. Owen, "meals" were furnished, amounting to \$1,224 05, as will be seen from the sixth item of statement B B.

TWENTY-FIRST INTERROGATORY.

Whether any officer or employes of the corporation were appointed and acted as commissioners at the late election; and if so, why such appointments were made over a special act of Congress, approved June 21, 1870, forbidding the same.

ANSWER.

Upon recent information, I believe that a few subordinate officers of the government acted as commissioners at the late election, and I am not advised that their appointment was in contravention of any existing law of Congress, nor has any complaint ever reached me with regard to the manner in which their duties were discharged.

TWENTY-SECOND INTERROGATORY.

The amount paid by the late corporations of Washington, Georgetown, and the levy court for salaries, printing, contingent and judicial expenses, during the fiscal year ending June 1, 1871.

ANSWER.

The statements of the comptroller of the District, furnished in answer to interrogatory four, give the information called for as nearly as it can readily be furnished.

Very respectfully,

H. D. COOKE, *Governor.*

Hon. H. H. STARKWEATHER,
Chairman of Committee on District of Columbia.

B B.

Statement of payments made on account of the registration held in April, 1871.

Purpose.	Amount.
1. Rent of rooms, and fitting up same	\$523 70
2. Printing lists, advertising, &c.....	4,008 93
3. Stationery, blank books, &c	337 00
4. Hack-hire	132 00
5. Bill-posting	229 00
6. Meals	1,224 05
7. incidental expenses	280 65
8. Pay of members of the board	\$4,620 00
9. Pay of clerks	2,195 00
(Commissioners of election; clerks to commissioners.)	6,815 00
Total	13,550 35

I hereby certify that the foregoing statement is correct.

GEO. E. BAKER,
Comptroller.

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington City, February 7, 1872.

The cost of first registration was over \$18,000, viz, \$18,803 75, (act August 1, 1871, page 73, acts of legislature.)

Statement of the expenses of the registration for the election held in November, 1872, as appropriated for by the act of the legislative assembly, approved January 19, 1872.

To whom.	For what.	Amount.
Chronicle Publishing Company	Printing lists	\$1,361 10
Daily National Republican	Printing lists	1,070 55
L. Moxley	Posting lists	270 00
Twenty rooms, at \$10 each	Rent of	200 00
Twenty rooms	Fitting up	150 00
Kelleher	Hack-hire	133 00
Wm. H. Nalley	Blank books	310 50
Ben. F. French	Stationery	137 24
Gibson & Bros	Printing	280 50
Daily National Republican	Printing posters and placards	92 25
John C. Parker	Stationery	56 00
Washington Gas Light Company	Gas at city hall	4 80
Total miscellaneous	\$4,065 94	
Daily National Republican	Advertising	1,378 66
Daily Morning Chronicle	do	1,217 00
Evening Star	do	1,117 50
Daily Patriot	do	1,201 00
Anzeiger	do	983 50
Sunday Chronicle	do	179 04
Sunday Capital	do	134 63
The Critic	do	9 00
Sunday Herald	do	161 00
Sunday Times	do	77 20
Sunday Gazette	do	157 50
Georgetown Courier	do	125 00
New National Era	do	93 25
Columbia	do	97 20
Grand Army Journal	do	467 50
Total advertising	\$7,398 98	
Salaries of members board of registration and clerical assistants		3,053 00
Total		14,517 92

I hereby certify that the foregoing statement is correct.

GEO. E. BAKER,
Comptroller

COMPTROLLER'S OFFICE, DISTRICT COLUMBIA,
Washington City, February 7, 1872.

F.

Statement of the payments made on account of fitting up the executive office and office of the secretary of the District, corner of Seventeenth street and Pennsylvania avenue.

Purpose.	Amount.
Furniture	\$1,990 79
Papering	130 73
Painting	60 00
Gas-fitting and plumbing	583 34
Stoves and fixtures	97 40
Awnings	215 50
Whitewashing and cleaning	31 23
Repairing locks, &c	45 25
Maps	12 00
Total	3,166 24

I hereby certify that the foregoing statement is correct.

GEO. E. BAKER,
Comptroller.

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington City, February 7, 1872.

G.

CITY HALL, WASHINGTON, D. C.,
February 10, 1872.

SIR: You inquire of the justices as to the City Hall accommodations for holding the several courts, under the authority of the supreme court of this District.

The City Hall furnishes three chambers capable of accommodating the courts, to wit: the circuit court-room, the criminal court-room, and chancery court-room. These three rooms are occupied by the several courts, including the supreme court in general term, substantially throughout the year.

The remaining habitable rooms of the City Hall are occupied by the marshal, the clerk, recorder of deeds, register of wills, surveyor of the District, and the law association, with their library.

Before the organization of the present government of the District, the circuit court-room was occupied in common with the city council—the council sitting at night; the present equity and probate court-room by the board of aldermen. This joint occupancy was incompatible with the comfort or convenience of either.

Proper regard for the public service required more room, and, as the matter now stands, we have no more chamber accommodation than is indispensable to properly work the courts. Indeed we have no room at all for the accommodation of the justice holding a United States district court.

D. K. CARTTER,
Chief Justice.

A. B. OLIN.
A. WYLIE.
D. C. HUMPHREYS.
ARTHUR MACARTHUR.

H.

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Office of Chief Engineer, Washington, D. C., February, 13, 1872.

SIR: I have the honor to state that the following improvements were either begun or continued under contracts made by the authorities of the late corporation of Washington, D. C., in addition to those cited in your letter to Hon. W. E. Chandler, dated February 2, viz:

The improvement of North Capital street.

The improvement of S street northwest, from Eighteenth to Twenty-first.

The improvement of Fourteenth street northwest, from H to N north.

The improvement of North Carolina avenue, from New Jersey avenue to Pennsylvania avenue.

The improvement of D street south, from New Jersey avenue to Fourth east.

The improvement of Fourth east, from Maryland avenue to H street north.

The work on M street bridge, over Rock Creek and approaches, except the iron superstructure, for which a contract was made, was and is done by day's work, also the filling of Bridge street and Aqueduct street.

Most respectfully,

B. OERTLY,
Assistant Engineer.

Hon. A. R. SHEPHERD,
Vice-President Board of Public Works.

I.

List of offices and names of incumbents, together with their annual salaries.

Date.	Name of office.	Name of incumbent.	Compensation.
Aug. 21 and 23, 1871.	Collector of taxes.....	W. H. Slater	\$5,000
Do	Deputy collector of taxes for Washington.	W. L. Bramhall	2,000
Do	Deputy collector of taxes for Georgetown.	C. S. Ramsburg.....	2,000
Do	Deputy collector of taxes for county of Washington.	J. W. Baker.....	2,000
Do	Treasurer	J. T. Johnson	3,000
Do	Auditor	Z. Richards	3,000
Do	Deputy auditor	J. S. Crocker, jr....	2,000
Do	Comptroller	G. E. Baker	4,000
Do	Deputy comptroller	G. P. Hopkins.....	2,000
Do	Coroner	W. W. Potter.....	2,000
Do	Register	J. F. Cook	3,000
Do	Deputy register.....	J. E. Doughty	2,000
Do	Water registrar	T. Lubey	3,000
Do	Inspector and tapper of water-mains.	H. Larmon.....	1,800
Do	Attorney	W. A. Cook.....	3,000
Do	Assistant attorney.....	N. H. Miller	1,500
Do	Surveyor	W. Forsyth	1,800
Do	Assistant surveyor.....	N. Du Bois	1,000
Do	Superintendent of assessments and taxes.	H. A. Hall	3,000
Do	Assessor, first legislative district.	Daniel F. Lee.....	450
Do	Assessor, second legislative district.	O. S. B. Wall.....	450
Do	Assessor, third legislative district.	J. Kaiser.....	450
Do	Assessor, fourth legislative district.	R. Brace.....	450
Do	Assessor, fifth legislative district.	F. A. Hines.....	450
Do	Assessor, sixth legislative district.	J. Kelly	450
Do	Assessor, seventh legislative district.	St. Clair Davis	450
Do	Assessor, eighth legislative district.	Caspar Keller	450
Do	Assessor, ninth legislative district.	J. S. Brown.....	450
Do	Assessor, tenth legislative district.	J. H. Davidson.....	450
Do	Assessor, eleventh legislative district.	P. Hepburn.....	450
Do	Assessor, twelfth legislative district.	M. Duffy.....	450
Do	Assessor, thirteenth legislative district.	E. W. W. Griffin....	450

I.—List of offices and names of incumbents, &c.—Continued.

Date.	Name of office.	Name of incumbent.	Compensation.
Aug. 21 and 23, 1871.	Assessor, fourteenth legislative district.	W. Griffin.....	\$450
Do	Assessor, fifteenth legislative district.	J. L. Clubb.....	450
Do	Assessor, sixteenth legislative district.	E. C. Gatchel	450
Do	Assessor, seventeenth legislative district.	R. J. Collins	450
Do	Assessor, eighteenth legislative district.	A. B. H. Lacey	450
Do	Assessor, nineteenth legislative district.	P. Hogan.....	450
Do	Assessor, twentieth legislative district.	J. H. Searles.....	450
Do	Assessor, twenty-first legislative district.	Davis Baker	450
Do	Assessor, twenty-second legislative district.	D. McCathran.....	450
Do	Board of appeals from Washington.	.....	150
Do	do .....	.....	150
Do	Board of appeals, from Georgetown.	.....	150
Do	Board of appeals from county.	.....	150
Do	Superintendent of lamps.....	W. H. Bailey.....	900
Do	Market-master, Northern market.	S. McFarland	800
Do	Market-master, Eastern market..	W. A. Hughes	500
Do	Market-master, Western market..	Alfred Day	500
Do	Market-master, Geo'town market.	Wm. H. Barker	500
August 23, 1871.....	Assistant market-master, Northern market.	C. Curtin.....	500
Do	Assistant market-master, Eastern market.	No appointee.....	500
Do	Assistant market-master, Western market.	John Brent.....	500
Do	Assistant market-master, Georgetown.	No appointee.....	500
Aug. 21 and 23, 1871.	Secretary to the governor.....	W. Tindall	2,000
Do	Clerk to the governor.....	W. R. Wilcox.....	1,200
Do	Clerk to the secretary, D. C.....	Jas. Campbell.....	1,800
Do	Messenger to governor.....	P. H. Carson	900
Do	Assistant messenger to governor.	J. Beckett	900
Do	Messenger.....	M. Haynes.....	900
Do	do	M. J. Chipman.....	900
Do	do	D. Jones.....	900
Do	do	A. J. Underwood....	900
Do	Day and night watchmen.....	C. W. Marshall	900
Do	do	J. F. Moeller.....	900
Do	do	J. F. Niedfeldt.....	900
Do	do	H. Beverly.....	900
Do	Trustee of the Corcoran charity, Georgetown.	W. S. Cox.....	
Do	do	A. Hyde.....	
Aug. 19, 1871, p. 48 ..	Commissioner of sinking-fund..	W. W. Corcoran....	
Do	do	L. J. Davis	
Do	do	H. M. Sweeny.....	
Do	do	Moses Kelly.....	
Aug. 21 and 23, 1871..	Public printer.....	.....	
August 21, 1871, p. 72.	Commissioner of flour inspection, Georgetown.	A. Ross Ray	
Do	do	T. C. Wheeler	
Do	do Washington	J. F. Seitz	
Aug. 21 and 23, 1871.	Clerk to the collector of taxes...	S. Merchant.....	1,800
Do	do	R. W. Tompkins	1,500
Do	do	D. Warner.....	1,200

I.—List of offices and names of incumbents, &c.—Continued.

Date.	Name of office.	Name of incumbent.	Compensation.
Aug. 21 and 23, 1871.	Clerk in auditor's office	A. McKenzie	\$1,500
Do	do	W. B. Hanneman	1,200
Do	Clerk in comptroller's office	H. C. Gill	1,800
Do	do	J. T. Petty	1,500
Do	do	S. Ourand	1,200
Do	Clerk in register's office	Chas. Champion	1,500
Do	do	J. E. Clark	1,200
Do	Clerk in water registrar's office	C. S. Gould	1,800
Do	do	C. S. Burgess	1,200
Do	do	A. J. Whelan	1,500
Do	Clerk in superintendent of assessments and taxes' office.	W. Morgan	2,000
Do	do	J. S. Slater	1,500
Do	do	A. Bradshaw	1,200
Do	Clerk in treasurer's office	J. S. Wilson	1,500
Aug. 23, 1871, p. 133.	Member board of registration, from Washington.	Geo. S. Gideon	\$5 per day.
Do	do	W. Syphax	5 per day.
Do	do	P. M. Dubant	5 per day.
Do	Member board of registration from Georgetown.	R. A. Griffin	5 per day.
Do	Member board of registration county of Washington.	M. H. Hunter	5 per day.
June 16, 1871, p. 7.	Member auditing commission	A. S. Pratt	5 per day.
Do	do	W. Dixon	5 per day.
Do	do	E. F. M. Faeltz	5 per day.
Dec. 18, 1871	Member commission to revise statutes.	Geo. P. Fisher	\$2,000
Do	do	Hugh Caperton	2,000
Do	do	Ed. C. Ingersoll	2,000
Do	do	S. L. Phillips	2,000
Do	do	R. D. Mussey	2,000
Aug. 21 and 23, 1871.	Superintendent public schools, Washington.	J. O. Wilson	*2,500
Do	Superintendent public schools, Georgetown.	do	500
Do	Superintendent public schools, county.	B. P. Davis	500
Do	Secretary public schools, Washington.	A. P. Fardon	200
Do	Treasurer public schools, Washington.	W. L. Cowan	800
Do	Treasurer and secretary public schools, Georgetown.	W. W. Curtis	500
Do	Treasurer and secretary public schools, county of Washington.	C. R. Douglass	500
Do	Trustee public schools, first district of Washington.	F. D. Stuart	
Do	do	A. Hart	
Do	do	A. J. Faust	
Do	do	Bushrod Robinson	
Do	do	O. K. Harris	
Do	Trustee public schools, second district of Washington.	W. R. Woodward	
Do	do	A. C. Richards	
Do	do	J. Randolph	
Do	do	Geo. F. McLellan	
Do	do	R. B. Deitrick	
Do	Trustee public schools, third district of Washington.	Wm. B. Moore	
Do	do	E. F. French	
Do	do	J. C. Dulin	
Do	do	W. P. Allen	
Do	do	A. M. Scott	

* See Exhibit C C, page 187, where salary is given at \$2,000.

I.—List of offices and names of incumbents, &c.—Continued.

Date.	Name of office.	Name of incumbent.	Compensation.
Aug. 21 and 23, 1871..	Trustee public schools, fourth district of Washington.	E. Champlin.....	
Do	do	W. J. Murtagh.....	
Do	do	W. B. Evans	
Do	do	W. H. Crook	
Do	do	S. Y. At Lee	
Do	Trustee public schools, first district of Georgetown.	Geo. W. Beall	
Do	do	F. W. Moffat.....	
Do	Trustee public schools, second district of Georgetown.	A. Hyde	
Do	do	W. L. Dunlop	
Do	Trustee public schools, first district, county of Washington.	J. W. Harry.....	
Do	Trustee public schools, second district, county of Washington.	J. Slick.....	
Do	Trustee public schools, third district, county of Washington.	J. C. Lewis.....	
Do	Trustee public schools, fourth district, county of Washington.	J. H. Cook	
Do	Trustee public schools, fifth district, county of Washington.	R. H. Jordan	
Do	Trustee public schools, sixth district, county of Washington.	D. Miller.....	
Do	Trustee public schools, seventh district, county of Washington.	W. G. Green.....	
Do	Member board of fire commissioners, from Washington.	S. S. Baker	\$200
Do	do	R. H. Booker	200
Do	do	J. A. Bayly.....	200
Do	do	J. A. McDevitt.....	200
Do	do	G. W. Smith.....	200
Do	Member board of fire commissioners, from Georgetown.	W. R. Collins.....	200
Do	Member board of fire commissioners, by Secretary of Interior.	Chas. Barker	200
Do	Chief engineer fire department...	M. Cronin.....	1,500
Do	Assistant engineer fire department.	W. O. Drew	1,200
Do	Secretary and treasurer fire department.	H. D. Bartley.....	1,000
Do	Superintendent fire-alarm telegraph.	H. R. Miles.....	1,500
Do	Operator fire-alarm telegraph....	H. H. Bishop	1,200
Do	do	F. D. Squires.....	1,200
Do	Sealer of weights and measures, Washington.	Jas. Small.....	100
Do	do	R. Boyd	100
Do	Sealer of weights and measures, Georgetown.	W. H. Barker	100
Do*	Inspector of flour, Washington...	B. F. Crabbs.....	Fees.
Do	Inspector of flour, Georgetown...	Geo. Peters.....	Fees.
Do	do	D. McCann	Fees.
Do	Inspector of salted provisions....	J. A. Blundon	Fees.
Do	do .....	.....	Fees.
Do	Inspector and measurer of wood, Anacostia district.	G. R. Ruff.....	Fees.
Do	Inspector and measurer of wood, Potomac district.	A. G. McGrew.....	Fees.
Do	Inspector and measurer of wood, Canal district.	M. Somers	Fees.
Do	Inspector and measurer of wood, Rock Creek district.	 do	Fees.

* "An act in relation to inspection of flour."

I.—List of offices and names of incumbents, &c.—Continued.

Date.	Name of office.	Name of incumbent.	Compensation.
Aug. 21 and 23, 1871..	Inspector and measurer of wood, Georgetown district.	H. Burrows	Fees.
Do	Inspector and weigher of coal, for Washington.	S. Prentiss	\$200
Do	do .....	.....	200
Do	Inspector and weigher of coal, for Georgetown.	J. Smallwood	200
Do	Inspector and measurer of lumber, for Washington.	F. H. Barron	Fees.
Do	do	G. Z. Colison	Fees.
Do	do	W. J. Herbert	Fees.
Do	do	Edward Champlin	Fees.
Do	Inspector and measurer of lumber, for Georgetown.	Columbus Thomas	Fees.
Do	Gauger and inspector of spirituous liquors, Washington.	F. Stosch	Fees.
Do	Gauger and inspector of spirituous liquors, Georgetown.	A. J. Blundon	Fees.
Do	Weigher of hay, straw, and fodder, Washington.	F. M. Draine	Fees.
Do	do	A. Jones	Fees.
Do	Weigher of hay, straw, and fodder, Georgetown.	P. E. Coakley	Fees.
Do	Harbor-master of Georgetown.	S. H. Sherman	\$100
Do	Intendant of Washington asylum.	J. F. Hodgson	800
Do	Commissioner of Washington Asylum.	D. W. Anderson	250
Do	do	T. B. Cross, jr.	250
Do	do	J. A. Simms	250
Do	Secretary to commissioners of Washington Asylum.	P. H. Green	250
Do	Physician to Washington asylum.	C. M. Ford	600
Do	Resident student, Washington Asylum.	B. M. Beall	
Do	Trustee of poor, Georgetown.	M. V. Buckey	
Do	do	H. Dade	
Do	Superintendent of sweeps, Washington.	J. Banks	
Do	do	A. Banks	
Do	Superintendent of sweeps, Georgetown.	C. Lemon	
Do	Physicians to poor:		
Do	First council district.	G. W. Fisher	600
Do	Second council district.	J. D. Harris	600
Do	Third council district.	H. T. Porter	600
Do	Fourth council district.	J. F. R. Appleby	600
Do	Fifth council district.	A. Brockenborough	600
Do	Sixth council district.	J. H. Bushnell	600
Do	Seventh council district.	H. A. Duncanson	600
Do	Eighth council district.	G. L. Magruder	600
Do	Ninth council district.	A. E. Johnson	600
Do	Tenth council district.	E. A. Adams	600
Do	Eleventh council district.	C. V. Boarman	600
Do	Apothecaries to poor:		
Do	First council district.	A. Crutchett	
Do	Second council district.	R. N. Peck	
Do	Third council district.	T. A. Ritchie	
Do	Fourth council district.	R. Brace	
Do	Fifth council district.	J. T. Wormley	
Do	Sixth council district.	F. B. Winters	
Do	Seventh council district.	J. R. Cassin	
Do	Eighth council district.	D. P. Hickling	
Do	Ninth council district.	R. B. Ferguson	
Do	Tenth council district.	K. C. Lineaweaver	
Do	Eleventh council district.	R. A. Bacon	

I.—List of offices and names of incumbents, &c.—Continued.

Date.	Name of office.	Name of incumbent.	Compensation.
Aug. 21 and 23, 1871..	Commissioners of western burial ground.	J. Borrows	
Do	do	A. Jones	
Do	Sexton of western burial ground..	R. W. Brown	
Do	Lamp-lighters	T. H. Cross	\$600
Do	do	J. Dent	600
Do	do	J. W. Shorter	600
Do	do	R. Green	600
Do	do	J. Butler	600
Do	do	J. W. Hunter	600
Do	do	S. White	600
Do	do	J. Leonard	600
Do	do	W. Hobbs	600
Do	do	C. O. Moore	600
Do	do	J. Johnson	600
Do	do	L. Willis	600
Do	do	R. Gilchrist	600
Do	do	J. Lee	600
Do	do	J. Brown	600
Do	do	S. Parker	600
Do	do	G. S. Donn	600
Do	do	John Washington	600
Do	do	Mc. McBeth	600
Do	do	R. Brown	600
Do	do	S. Collins	600
Do	do	W. Gibbons	600
Do	do	N. Tilghman	600
Do	do	B. Kline	600
Do	do	E. Younger	600
Do	do	F. Burdette	600
Do	do	W. Burdette	600
Do	do	D. Cooper	600
Do	do	W. H. Smallwood	600
Do	do	J. H. Ralls	600
Do	Scavenger, Georgetown	A. Pope	Fees.
Do	Scavenger, fifth council district..	H. D. Paton	Fees.
Do	do	S. W. Jones	Fees.
Do	Scavenger, sixth council district..	M. Brown	Fees.
Do	do .....	.....	Fees.
Do	Scavenger, seventh council district.	D. Williams	Fees.
Do	do	R. Clark	Fees.
Do	Scavenger, eighth council district.	W. H. Edinburgh	Fees.
Do	do	J. W. White	Fees.
Do	Scavenger, ninth council district.	H. Parker	Fees.
Do	do	C. Marshall	Fees.
Do	Scavenger, tenth council district.	C. Wilson	Fees.
Do	do	G. H. McReynolds	Fees.
Do	Scavenger, eleventh council district.	H. Davis	Fees.
Do	do	G. H. Newman	Fees.
Do	Commissioner of eastern market.	A. Neville	Fees.
Do	do	W. B. Dobbins	Fees.
Do	Commissioner of western market.	T. Martin	Fees.
Do	do	Alfred Jones	Fees.
Do	Commissioner of northern market.	F. H. Stickney	Fees.
Do	do	T. E. Green	Fees.
Do	Commissioner of Georgetown market.	L. Williams	Fees.
Do	do	J. S. Paxton	Fees.
Do	Garbage collector, third council district.	Geo. Ridgeley	\$3 per day.
Do	Garbage collector, fourth council district.	G. Waters	3 per day.

I.—List of offices and names of incumbents] &c.—Continued.

Date.	Name of office.	Name of incumbent.	Compensation.
Aug. 21 and 23, 1871..	Garbage collector, fifth council district.	L. Mudd.....	\$3 per day
Do	do.....	S. G. Scott	3 per day.
Do	Garbage collector, sixth council district.	M. Long	3 per day.
Do	do.....	S. Griffin.....	3 per day.
Do	Garbage collector, seventh council district.	A. McIntosh.....	3 per day.
Do	do.....	M. Adams.....	3 per day.
Do	Garbage collector, eighth council district.	E. Allen	3 per day.
Do	do.....	W. Bowen	3 per day.
Do	Garbage collector, ninth council district.	G. Walker	3 per day.
Do	do.....	F. Jackson.....	3 per day.
Do	Garbage collector, tenth council district.	A. Berry	3 per day.
Do	do.....	R. Cole	3 per day.
Do	Garbage collector, eleventh council district.	I. Johnson	3 per day.
Do	do.....	D. Shelby.....	3 per day.

Appointed under an act entitled "An act concerning notaries public," approved June 2, 1871.

NOTARIES PUBLIC.

- | | |
|---------------------------|-----------------------|
| 1 Alvord, Henry J. | 38 Klancke, A. A. C. |
| 2 Bell, Wm. Peirce. | 39 Kennedy, J. M. |
| 3 Blackford, B. Lewis. | 40 Lazenby, Thomas J. |
| 4 Bagg, George W. | 41 May, Edward H. |
| 5 Bradley, A. C. | 42 Marsh, Richard H. |
| 6 Bohrer, George A. | 43 Meeds, Benjamin N. |
| 7 Blood, John D. | 44 Minnix, Wm. H. |
| 8 Cunningham, Robert G. | 45 Mix, William A. |
| 9 Callan, Charles C. | 46 Mills, Samuel C. |
| 10 Cook, John H. | 47 Miller, N. H. |
| 11 Crosby, Henry T. | 48 Murry, Charles H. |
| 12 Carrigan, Daniel. | 49 Middleton, F. E. |
| 13 Dickson, J. N. | 50 Olmstead, John F. |
| 14 Donaldson, James. | 51 Pratt, Fred. W. |
| 15 Ellis, Jonas B. | 52 Plant, Jos. T. K. |
| 16 Edwards, J. S. | 53 Parkhurst, I. L. |
| 17 Ellsworth, Nathan K. | 54 Roberts, John L. |
| 18 Falls, Alex. J. | 55 Rittenhouse, C. E. |
| 19 Fuller, Wilson N. | 56 Rohrer, M. M. |
| 20 Funnell, Leonard C. | 57 Stickney, G. H. |
| 21 Gordon, J. Holdsworth. | 58 Schmidt, Ernst L. |
| 22 Gridly, John H. | 59 Shields, J. V. A. |
| 23 Harmon, Henry C. | 60 Shepherd, Arthur. |
| 24 Haley, A. G. | 61 Smith, David R. |
| 25 Heylmun, A. G. | 62 Todd, Wm. B., jr. |
| 26 Holden, Charles H. | 63 Tait, James A. |
| 27 Hopkins, Gooham P. | 64 Tenney, W. M. |
| 28 Hutchins, U. H. | 65 Thompson, Wm. |
| 29 Johnson, Wm. T. | 66 Weaver, Charles E. |
| 30 Johnson, H. Clay. | 67 Wollard, James F. |
| 31 Jones, D. S. | 68 Wallace, Thomas K. |
| 32 Jones, Frederick W. | 69 Wilson, Ephraim K. |
| 33 Kimball, Ivory G. | 70 Wheelock, M. M. |
| 34 Keller, Caspar. | 71 Warner, B. H. |
| 35 Kelly, A. B. | 72 Young, Samuel G. |
| 36 Keese, A. E. L. | 73 Stone, Warren C |
| 37 Klopfer, Edward J. | 74 Nixon, R. B. |

Appointed under an act entitled "An act to provide for the appointment of justices of the peace in and for the District of Columbia, and to define their duties," approved August 16, 1871.

JUSTICES OF THE PEACE.

1 Terrence Drury.
2 James A. Tait.
3 Chas. Walker.
4 Jenkin Thomas.
5 Jos. T. K. Plant.
6 Davis Baker.
7 William Tindall.
8 Casper Keller.
9 E. J. Klopfer.
10 Wm. G. Green.

11 R. V. Hughes.
12 Edgar H. Bates.
13 Geo. A. Bohrer.
14 Thos. J. Lazenby.
15 A. E. L. Keese.
16 N. Callan.
17 Benj. N. Ferguson.
18 Geo. W. Hauptman.
19 R. B. Nixon.

K.

DISTRICT OF COLUMBIA, BOARD OF HEALTH,
Washington, February 8, 1871.

GOVERNOR: In compliance with your verbal request of the 6th instant I have the honor to transmit herewith the following-named papers:

1st. Detailed statement of expenses of the board of health, from its organization to February 7, 1872.

2d. List of members of the board.

3d. List of employes of the board, with the amount paid each yearly as salary.

Very respectfully, your obedient servant,

JOHN MARBURY, JR.,
Treasurer Board of Health.

His Excellency Governor HENRY D. COOKE.

List of members of the Board of Health of the District of Columbia.

Chris. C. Cox, M. D., LL. D., President.
T. S. Verdi, M. D., Secretary and Health Officer.
John Marbury, jr., Treasurer.
Professor John M. Langston.
D. W. Bliss, M. D.

No provision has been made for the payment of salary to any member of the board, and no compensation has been received for services rendered..

List of employés of the Board of Health and the amount paid each as salary.

No.	Names.	Capacity.	Rate per year.
1	D. S. Jones	Clerk	\$1,600
2	T. A. Mitchell	Messenger	900
3	Theodore F. Gatchell	Sanitary inspector general	*1,800
4	W. H. Orton	Assistant inspector	1,000
5	A. M. Sprague	do	1,000
6	O. S. B. Wall	do	1,000
7	D. V. Colclazer	do	1,000
8	M. V. Buckley	do	1,000
9	W. H. Faulkner	do	1,000
10	William Munder	do	1,000
11	A. L. G. Mason	do	1,000
12	W. H. Craig	do	1,000
13	J. H. Smith	do	1,000
14	C. H. Emerson	do	1,000
15	James W. Mills	do	1,000
16	William Wolf	Remover of dead animals	600
17	M. M. Wheelock	Poundmaster	Fees.

* Including allowance of \$300 for transportation.

Detailed statement of expenses of the Board of Health of the District of Columbia, from its organization under the act of Congress approved February 21, 1871, to February 7, 1872.— (Vouchers 1 to 142 inclusive.)

Fuel and lights	\$176 71
Furniture and repairs	1,634 36
Stationery	*901 75
Advertising	674 59
Pay of agents	6,006 78
Disinfectants	733 81
Vaccine matter	795 65
Prevention of contagious disease	84 57
Rent of rooms	685 00
Pay of clerk	1,116 66
Pay of messenger	701 11
Cleaning streets	†6,955 50
Burial of poor	†349 75
Total expended	20,816 64

I certify that the foregoing is correct.

JOHN MARBURY, JR.,
Treasurer Board of Health.

DISTRICT OF COLUMBIA, BOARD OF HEALTH,
Washington, February 7, 1872.

Examined and approved :

CHRIS. C. COX,
M. D., LL. D., President Board of Health.

* Includes books, blanks, and postage.

† Expended by direction of the governor, and is not properly chargeable to the appropriation for defraying the expenses of the Board of Health.

C.—Summary statement of salaries of officers and employes of the District of Columbia and of the late corporations of Washington, Georgetown, and the levy court, for one year.

DISTRICT OF COLUMBIA.		LATE CORPORATIONS.				
Officers or offices.	Amounts.	Totals of three late corporations as comparative with the District of Columbia.	City of Washington.	City of Georgetown.	County or levy court.	Analagous officers or offices.
EXECUTIVE DEPARTMENT.						
Secretary, clerk, and messenger to governor.	\$4, 100	\$10, 550 00	{ \$3, 600 00	{ \$1, 000 00	.....	Mayors.
Clerk to the secretary of the District.	1, 800						{ 5, 250 00	400 00	$300	Clerks and messengers.
Collector, three deputies, and three clerks.	16, 400	40, 260 00	33, 000 00	3, 500 00	3, 760	Collectors.
Treasurer and one clerk	4, 500	3, 650 00	.....	2, 450 00	1, 200	Treasurer and cl'ks.
Auditor, deputy, and two clerks.	7, 700	3, 455 00	3, 455 00	.....	.....	Auditor and clerk.
Comptroller, deputy, and three clerks.	11, 700	4, 750 00	4, 750 00	.....	.....	Comptroller and clerks.
Register, deputy, and two clerks	7, 700	7, 919 54	7, 000 00	919 54	.....	Register, assistant, and clerks.
Attorney, assistant, and messenger.	5, 400	5, 127 00	3, 500 00	1, 127 00	500	Attorneys and assistants.
Four messengers.....	3, 600	1, 800 00	1, 800 00	.....	.....	Janitor and watchman.
Total.....	62, 900	77, 511 54	62, 355 00	9, 396 54	5, 760	
INTERIOR DEPARTMENT.						
* Metropolitan police.....	126, 600	110, 138 00	93, 088 00	11, 050 00	6, 000	Metropolit'n police.
Fire department.....	55, 520	53, 120 00	49, 520 00	3, 600 00	.....	Fire department.
* Public schools, including color'd	212, 100	178, 496 26	147, 996 26	11, 000 00	19, 500	Public schools.
* Water registrar.....	9, 300	6, 850 00	6, 250 00	600 00	.....	Water-regist'r and Georgt'n st. pump.
Coroner's office	2, 000	2, 827 48	2, 533 29	294 19	.....	Coroners, sal'ry and fees.
* Surveyor and assistant.....	2, 800	8, 262 00	5, 600 00	262 00	2, 400	Surveyor and superintendent R.
Superintendent of assessments..	17, 800	11, 450 25	9, 000 00	1, 730 25	720	Assessors.
* Market masters.....	3, 300	7, 300 00	6, 700 00	600 00	.....	Market masters.
Sealers, weights, and inspectors.	800	1, 900 00	100 00	1, 800 00	.....	Wood-measurers, &c.
Superintendent lamps and lamp-lighters.	18, 900	16, 080 00	13, 680 00	2, 400 00	.....	Superintend'nt and lamp-lighters.
Garbage collectors.....	14, 400	16, 920 00	13, 000 00	3, 920 00	.....	Garbage collectors.
Washington Asylum.....	2, 400	3, 100 00	2, 350 00	750 00	.....	Superintend'ts poor and work-house.
Physicians to the poor	6, 600	4, 100 00	3, 500 00	600 00	.....	Physicians to poor.
Total	472, 520	420, 543 99	353, 317 55	38, 606 04	28, 620	
LEGISLATIVE DEPARTMENT.						
House of delegates.....	17, 847	25, 700 00	23, 200 00	1, 700 00	1, 000	Councils and members levy court.
Officers of council.....	2, 750	.....	.....	.....	.....	
Total	205, 597	25, 700 00	23, 200 00	1, 700 00	1, 000	
Grand total.....	556, 017	523, 955 53	438, 872 55	49, 702 98	35, 380	

* This excess is more than counterbalanced by the following, viz: Increase of pay of \$10 per man to the Metropolitan Police, under act of corporation of Washington of April 25, 1871, and act of legislative assembly, August 18, 1871, equalizing, &c., equivalent to..... 30,000 00
 And increase of public schools equal to the difference between the amounts..... 33,603 74
 Amount in favor of the District..... 63,603 74

MEMORANDA.

Grand total, District of Columbia..... \$556,017 00
 Grand total, late corporations..... 523,955 53
 Aggregate difference against the District..... 32,061 47

I hereby certify that the foregoing statement is correct.
 [SEAL.]

GEO. E. BAKER, Comptroller.

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA, Washington, February 8, 1872.

Classified statement in detail of the annual salaries of the officers of the District of Columbia.

EXECUTIVE DEPARTMENT.

Office.	Officers.	Salaries.	
		Each officer.	Each office.
Governor	Secretary to the governor.....	\$2,000	\$4,100
	Clerk to the same.....	1,200	
	Messenger to the same	900	
Secretary	Clerk to the secretary		1,800
Collector	Collector of taxes.....	5,000	16,400
	Deputy for Washington	2,000	
	Deputy for Georgetown	2,000	
	Deputy for county	2,000	
	Three clerks: 1 at \$1,800; 1 at \$1,500; 1 at \$1,200.....	4,500	
	One messenger	900	
Treasurer	Treasurer District Columbia	3,000	4,500
	One clerk.....	1,500	
Auditor ..	Auditor District Columbia	3,000	7,700
	Deputy auditor.....	2,000	
	Two clerks: 1 at \$1,500; 1 at \$1,200	2,700	
Comptroller	Comptroller District of Columbia	4,000	11,700
	Deputy comptroller	2,000	
	Three clerks: 1 at \$1,800; 2 at \$1,500 each.....	4,800	
	One messenger	900	
Register.	Register District Columbia	3,000	7,700
	Deputy register.....	2,000	
	Two clerks: 1 at \$1,500; 1 at \$1,200.....	2,700	
Attorney.....	Attorney District of Columbia.....	3,000	5,400
	Assistant attorney.....	1,500	
	One messenger	900	
	Four watchmen, at \$900 each, 2 at governor's office and 2 at Columbia building.....		3,600
	Total		62,900

MISCELLANEOUS, OR INTERIOR DEPARTMENT.

Water	Water registrar.....	\$3,000	\$9,300
	Inspector water-mains	1,800	
	Three clerks: 1 at \$1,800; 1 at \$1,500; 1 at \$1,200	4,500	
Coroner	Coroner District of Columbia.....		2,000
Surveyor.....	Surveyor District of Columbia.....	1,800	2,800
	Assistant surveyor	1,000	
Assessments.....	Superintendent of assessments and taxes.....	3,000	17,800
	Three clerks: 1 at \$2,000; 1 at \$1,500; 1 at \$1,200	4,700	
	22 assessors, at \$4 50 each.....	9,900	
	4 members board of appeals.....	200	

C C.—*Miscellaneous, or Interior Department*—Continued.

Office or department.	Officers.	Salaries.	
		Officers.	Offices or departments.
Fire	Seven commissioners, at \$200 each	\$1,400	
	Chief engineer	1,500	
	Assistant engineer	1,200	
	Superintendent fire-alarm telegraph	1,500	
	Two operators, at \$1,200 each	2,400	
	Secretary and treasurer	1,000	
	Six foremen, at \$1,000 each	6,000	
	Five engineers, at \$1,000 each	5,000	
	One tillerman	800	
	Six hostlers, at \$800 each	4,800	
	Five firemen, at \$800 each	4,000	
	36 privates, at \$720 each	25,920	
			\$55,520
Schools	Superintendent public schools, Washington	*2,000	
	Superintendent public schools, Georgetown	1,000	
	Superintendent public schools, county	500	
	Secretary and treasurer public schools, Washington	1,000	
	Secretary and treasurer public schools, Georgetown	500	
	Secretary and treasurer public schools, county	500	
	Teachers, Washington schools	102,600	
	Teachers, Georgetown schools	8,000	
	Teachers, Washington County schools	30,000	
	Teachers colored schools, District	66,000	
			212,100
Markets	4 market-masters; 1 at \$800: 3 at \$500 each	2,300	
	2 assistants, at \$500 each	1,000	
			3,300
Weights	3 sealers weights and measures	300	
Inspector	2 inspectors of coals, Washington and Georgetown	400	
Harbor-master ..	Harbor-master, Georgetown	100	
			800
Lamps	Superintendent of lamps	900	
	30 lamplighters, at \$600 each	18,000	
			18,900
Garbage	16 garbage-masters, at \$900 each		14,400
Police	Metropolitan police, salaries of commissioners, officers and men, including extra, by act of Congress March 3, 1871		126,600
Poor	Intendant Washington Asylum	800	
	3 commissioners, at \$250 each	750	
	Secretary to commissioners	250	
	Physician to Washington Asylum	600	
	11 Physicians to the poor, at \$600 each	6,600	
			9,000
	Total		472,520

* See foot-note, p. 178.

C C.—Continued—LEGISLATIVE DEPARTMENT.

Office.	Officers.	Salaries.	
House of delegates	Pay of members, officers, and employés, house of delegates, for first regular session	\$11,798	
	Pay of members, officers, and employés, house of delegates, extraordinary session	6,049	\$17,847
Council.....	Pay of officers and employés, legislative council, first regular session	1,800	
	Pay of officers and employés, legislative council, extraordinary session	950	2,750
	Totals.....		20,597

I hereby certify that the foregoing statement is correct.
[SEAL.]

GEO. E. BAKER,
Comptroller.

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington City, February 8, 1872.

E.—Summary statement of expenditures of the late corporations of Washington, Georgetown, and the Levy Court for various periods, ending May 31, 1871, and also the floating and bonded debts of the same, existing on the 31st day of May, 1871.

EXPENDITURES OF THE LATE CORPORATIONS OF WASHINGTON, GEORGETOWN, AND THE LEVY COURT.					FLOATING AND BONDED DEBTS OF THE LATE CORPORATIONS OF WASHINGTON, GEORGETOWN, AND THE LEVY COURT.			
Corporations and period.	Salaries.	Ordinary, contingent, and incidental expenses.	Improvements of a permanent character.	Aggregates.	Corporations.	Floating debt.	Bonded debt.	Aggregates.
City of Washington, for twenty-three months, ending May 31, 1871.....	\$720, 189 23	\$1, 231, 726 19	\$1, 136, 493 48	\$3, 088, 408 90	City of Washington.	\$862, 431 55	\$2, 103, 661 72	\$2, 666, 093 27
City of Georgetown, for seventeen months, ending May 31, 1871..	33, 573 50	106, 893 56	110, 368 35	250, 835 41	City of Georgetown.	9, 146 41	252, 316 96	261, 463 37
Levy court, for twenty-four months, ending May 31, 1871	70, 760 00	12, 000 00	40, 000 00	122, 760 00	Levy court.....	28, 825 84	None	28, 825 84
Total.....	824, 522 73	1, 350, 619 75	1, 286, 861 83	3, 462, 004 31	Total.....	900, 403 80	2, 355, 978 68	3, 256, 382 48

GEO. E. BAKER, Comptroller.

I certify that the foregoing statement is correct.

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington, February 8, 1872.

B.—Classified statement of the amounts paid by the District of Columbia to the various newspapers for printing and advertising to date.

Title of newspapers.	Classification.	District offices or executive departments.	Legislative assembly.	Publishing the laws.	Loan and Piedmont Railroad acts.	First registration and election.	Second registration and election.	Totals for printing.	Totals for advertising.	Aggregates for each paper.
Daily Morning Chronicle	Printing and blanks	\$11,220 10	\$13,418 46	.....	.....	\$3,116 70	\$1,361 10	\$29,116 36	.....	\$42,074 19
Do	Advertising	703 00	.....	\$1,626 00	\$6,893 33	1,056 50	2,679 00	.....	\$12,957 83	.....
Daily National Republican	Printing and blanks	1,134 75	1,029 88	.....	(*)	.....	1,157 30	3,321 93	.....	8,682 59
Do	Advertising	891 50	6 00	2,044 50	(*)	1,040 00	1,378 66	.....	5,360 66	.....
New National Era	Printing and blanks	165 50	1,076 50	.....	.....	.....	.....	1,242 00	.....	.....
Do	Advertising	53 25	.....	575 00	756 00	44 50	269 50	.....	1,698 25	.....
The Evening Star	do	385 92	.....	1,611 59	5,002 50	837 63	2,803 00	.....	10,639 94	10,639 94
The Daily Patriot	do	.....	.....	1,351 00	1,340 00	786 00	1,584 00	.....	5,061 00	5,061 00
The Columbia	do	.....	.....	1,423 35	1,237 00	.....	307 20	.....	3,020 15	3,020 15
Washington Anzeiger	do	52 60	.....	.....	5,558 50	.....	1,946 00	.....	7,789 50	7,789 50
Grand Army Journal	do	285 00	.....	1,328 14	(*)	.....	1,307 50	.....	2,719 64	2,719 64
Georgetown Courier	do	84 00	.....	1,250 00	630 00	.....	(*)	.....	2,150 75	2,150 75
The Critic	do	270 75	.....	626 36	1,989 54	.....	465 91	.....	3,189 08	3,189 08
The Public Voice	do	107 27	.....	.....	.....	42 00	.....	.....	42 00	42 00
The Sunday Chronicle	do	327 24	.....	1,599 04	1,431 04	80 80	535 52	.....	3,973 64	3,973 64
The Capital	do	70 13	.....	1,254 00	556 50	58 13	205 88	.....	2,144 64	2,144 64
The Sunday Gazette	do	21 37	.....	1,593 00	(*)	41 00	(*)	.....	1,655 37	1,655 37
The Sunday Herald	do	210 00	.....	1,538 00	1,431 00	191 00	506 20	.....	3,876 20	3,876 20
The Sunday Times	do	383 85	.....	.....	600 00	.....	279 00	.....	1,262 85	1,262 85
Total	.....	16,365 53	15,530 84	17,819 98	27,425 41	7,294 26	16,785 77	33,680 29	67,541 50	101,221 79

* Nothing for advertising for board of public works.

I hereby certify that the foregoing statement is correct.

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington City, January 31, 1872.

GEORGE E. BAKER, Comptroller.

Letter of the governor relative to advertising and printing.

EXECUTIVE OFFICE, DISTRICT OF COLUMBIA,
Washington, February 7, 1872.

SIR: I inclose statement of the comptroller of the District, of the expenditures on account of the various newspapers, for printing and advertising in detail, as per exhibit marked B.

From this statement it appears that \$16,365 53 have been expended for the different executive departments of the government for printing and advertising. For printing and for advertising the laws of the legislative department, \$33,350 82; for printing and advertising the "Four-million loan" and "Piedmont and Potomac Railroad" acts, as required by the organic act and the act of the legislature, \$27,425 41, and for printing and advertising the two elections, \$24,080 03; making a total expenditure of \$33,680 29 for printing, and \$67,541 50 for advertising. In the aggregate, the sum of \$101,221 79.

The expenditures for printing and advertising for the legislative department include the incidental bill, calendar, and journal printing of the house of delegates and council, and the publication of the laws enacted at the first session, numbering one hundred and thirty-two laws and joint resolutions, which, with the organic act of Congress, form the legal basis of the new government, most of which will not be required to be repeated.

The necessity for the increase of the expenditures for the second registration and election, over the expenditure for the first registration and election, is in the main attributable to the increase of the subject-matter required by law to be advertised and printed.

The amount of these bills might seem large under other circumstances, or under an established government fully equipped with the necessary machinery, and not having the same exceptional occasion for either advertising or printing. But the fact should not be overlooked that a new government was being organized, and that much of the expense of printing blanks, record-books, and other necessary work, is fairly chargeable to subsequent years, as this work will be available for the use of the government for some time to come. In fact, these expenditures were to furnish an outfit for the new government, and are no more chargeable to the ordinary current expenses than the furnishing of a residence or the equipping of a railroad. The same suggestions will apply with even more force to the items of advertising. Much of this expense grew out of a necessity which cannot, in the nature of things, again occur.

The organic act made it incumbent upon the governor and the judges of the supreme court of the District to prescribe the rules governing the first election; "to designate the districts for members of the house of delegates;" appoint a board of registration and persons to superintend the election and the returns thereof; prescribe the time, places, and manner of conducting such election, and to make all needful rules and regulations for carrying into effect the provision of the act not otherwise provided for. The rule, so adopted by the governor and the supreme court of the District, required a large amount of printing and advertising, as well as that "due and timely notice" of the places of holding the election in each district should be given. This involved, necessarily, a large expenditure, in order that the elections might be properly conducted. A copy of these regulations is herewith submitted.

By the eighth section of the act of the legislative assembly, approved August 23, 1871, regulating the holding of general elections in the District, it is made the duty of the governor "to have the required number of ballot-boxes and forms for tally-lists, and all the stationery and other necessary papers and means for holding any election, prepared in time and furnished to the superintendents before the opening of the polls on the morning of election; and to pay out of the fund belonging to the District of Columbia all expenses which may be required to carry on any general election." The execution of this law, as well as of the regulations adopted by the governor and the supreme court, in pursuance of the act of Congress, involved a large amount of printing as well as other expenses.

The second election was rendered necessary at an early period by the bitterly hostile attitude of the opponents of the improvements bill, which opposition had been carried so far as to obtain an injunction (which was, within a few days of the election, dissolved) against the issuing of the bonds authorized for the purpose of paying for such improvements.

The expense thus incurred—the direct result of this opposition—is not, therefore, fairly chargeable upon the District government. It was a necessity which it could not avoid, and surely the parties who created the necessity are the last ones who should complain of its result. Among the special items of expense thus incurred was the publication of the two acts in relation to the four-million loan, as required by the organic act, "in at least two newspapers, for three months before" the election; as also the necessary blanks, papers, and tickets connected with the vote on the loan bills. It was believed by the District government to be of vital importance to the present and future welfare of the District, that these loan bills should receive the ratification of the people, and that the contemplated improvements should be made without delay; indeed, unless this had been done, the entire government created by Congress would have been little else than a failure. The opposition to the loan was determined and persistent, and it was believed that the wisest way to counteract that opposition, was to give to the voters of the District the fullest possible information con-

cerning the laws which the legislature had submitted to their consideration. To that end publication was made in the newspapers of the District, in pursuance of the authority of the acts of Congress, and of the legislature, without regard to their partisan character—in weeklies as well as in dailies—and, in one or two instances, in papers of gratuitous and consequently large circulation, which reached a class of readers not otherwise accessible.

Whatever may be said touching the cost of these advertisements, the result vindicated the wisdom of the expenditure. The people were fully informed as to the object and purposes of the government, so far as they related to improvements, and have approved them by an unprecedented majority, the vote being for the loan, 14,760 and against the loan 1,213.

The effect of this almost unanimous expression of the will of the people was to vitalize the torpid credit of the District. Prior to this, nearly a million of dollars of overdue and floating indebtedness of the city of Washington alone had been hawked about, in Washington and in other cities, at an enormous discount, while the six per cent. funded bonds of the city were very difficult of sale at 80 cents on the dollar. No sooner had the vote of the people of the District been announced, than the money markets of the country and the world were opened to its loans, and in a brief period one and one-half millions of dollars, of the four millions authorized, were negotiated at 96½ per cent. with the First National Bank of New York, less the ordinary commission of 2½ per cent.; thus netting to the District 94 per cent. The option of taking the balance of the loan as its issue should be needed in the progress of improvements, was given to the same parties at the same rate. The loan was afterward permanently placed in Europe, nearly ten times the needed amount being subscribed for.

Thus the credit of the District was advanced, within three months, over that of the old corporation of Washington 14 per cent. This advance, as already stated, was largely attributable to the almost unanimous popular vote in favor of the loan. As compared with the price of District securities before and after the election, the loan realized \$560,000 more than the price of Washington securities before the approval of the loan bill by the people. It is not doubted that a mere *majority* for the loan would have produced this result *in part*, but I have the highest authority for stating that the price realized for the loan was at least from 2½ to 5 per cent. greater than it would have been had the popular vote not been nearly unanimous.

Some of the opponents of the loan did not confine their efforts to defeat it within the District, but extended them to several of the leading money markets of the world, and thus attempted to injure the credit of the District.

The importance of this decisive vote of the people may be inferred from the letter of Messrs. J. and W. Seligman & Co., bankers, New York, of which the following is a copy:

“NEW YORK, February 1, 1872.

“DEAR SIR: We beg to draw your attention to the fact that while we have been successful in marketing the 6 per cent. bonds of the District of Columbia, we have had to overcome one or more difficulties in the shape of adverse reports which some persons had endeavored to spread in Europe. They first intimated that there were injunctions still existing against the issue of the bonds. After we succeeded in removing this impression by sending out the certificate of judges of the supreme court that each and every injunction had promptly been removed, they endeavored to spread additional adverse reports in Europe, stating that the bond was not considered a first-class security. We have, fortunately, been able to satisfy the public in Europe that all such reports, emanating, as they evidently did, from persons adverse to the interests of the District, were without any foundation. But the principal aid which we received was the almost unanimous vote of the people of your District in favor of the loan, without which we should have probably failed in negotiating the bond at all, and, at any rate, would not have been able to sell it within 2½ or 5 per cent. of the price obtained, and we congratulate you and the District upon our success in placing the credit of the District equal to that of any of the older States in the North. We deem it proper to make these remarks to you, to put you and all good people of the District on their guard against the malevolent actions of some of your citizens.

“We are, dear sir, yours, very respectfully,

“J. AND W. SELIGMAN & CO.

“Hon. HENRY D. COOKE,

“Governor of the District of Columbia, Washington, D. C.”

I desire further to state that the success of the four-million loan above referred to placed the credit of the District on so firm a basis that the negotiation of “the water-stock bond,” amounting to \$450,000, issued under the acts of the legislative assembly approved July 20, 1871, and of Congress July 14, 1870, was finally concluded at par.

Very respectfully,

H. D. COOKE, Governor.

Hon. WM. E. CHANDLER, Counsel, &c.

A.

Statement of the expenses paid by the District of Columbia from June 1 to December 30, 1871, inclusive.

Board of health, amount paid for disbursement.....	\$20,242 50
First registration and election, expenses of.....	18,671 12
Expenses incurred prior to June 1, 1871	2,841 26
Gas for street lamps and pay of lamplighters.....	36,680 86
Garbage collectors, salaries paid them	8,547 00
Markets, salaries and contingencies	5,356 45
Assessments, salaries and contingencies, office superintendent of.....	16,193 95

LEGISLATIVE.

House of delegates, salaries and contingencies.....	\$17,427 87
Legislative council, salaries and contingencies.....	3,999 00
	21,426 87
Poor, support of Washington Asylum, physicians to the poor, and charities...	15,762 55
Taxes refunded, erroneously paid.....	904 99
Salaries of permanent and temporary officers and employés, and incidental and contingent expenses.....	81,762 96
Total	<u>228,390 51</u>

I hereby certify that the foregoing statement is correct.

GEO. E. BAKER,
Comptrol er.

COMPTROLLER'S OFFICE, DISTRICT COLUMBIA,
Washington City, February 7, 1872.

A A.

Statement of expenditures of the District of Columbia for permanent improvements, police, fire department, schools, &c., from June 1 to December 30, 1871, inclusive.

Board of public works	\$1,082,133 33
Commissioners of the sinking fund, to pay interest, &c., on Washington and Georgetown bonds, (act of legislative assembly August 19, 1871).....	139,065 42
Purchase eastern market-house site	30,042 00
On account of 36-inch water-main, as required by act of Congress July 14, 1870	135,263 80
Purchase of condemned turnpikes, as required by act of Congress, March 3, 1871	14,277 48
Completion of West and P street bridge	8,953 89
Repairing Chain bridge.....	2,000 00
Meizerott Hall, preparation of	11,243 31
Morrison Building, preparation of.....	48,507 49
Executive office, fitting up and furnishing same.....	3,166 24
Police, salaries and contingencies	66,053 38
Fire department	44,527 79
Washington schools:	
Salaries	\$61,709 29
Contingencies.....	29,553 84
Completing buildings.....	76,106 40
	167,369 53
Georgetown schools, salaries and contingencies.....	3,003 63
Washington County schools, salaries and contingencies.....	21,118 22
Colored schools	88,901 61
Total for schools.....	
	280,392 99
Total	<u>1,865,627 12</u>

I hereby certify that the foregoing statement is correct.

GEO. E. BAKER,
Comptroller.

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington City, February 7, 1872.

L.

Statement relative to claims held by the First National Bank.

THE FIRST NATIONAL BANK OF WASHINGTON,
February 12, 1872.

The amount of claims held by this bank against the old corporations of Washington, Georgetown, and the levy court, is stated in the printed report of the auditing commission, dated November 8, 1871 (legislative assembly, special session, Ex. Doc. No. 1.)

Claims purchased were bought at or above the full market rate.

The bank holds as collateral security, claims against the District government to the amount of \$15,431 18, and no others.

WM. S. HUNTINGTON.

M.

Statement relative to balances in the First National Bank.

THE FIRST NATIONAL BANK OF WASHINGTON,
February 12, 1872.

The following statements show the monthly balances in this bank to the credit of the sinking-fund on the 10-year bonds. No checks have ever been drawn or paid against said fund, except for interest on said bonds.

The statements also show the monthly balances in the account of the city with the bank on all other accounts. No interest has been paid by the bank on any balances in favor of the city or District, nor has interest, except in one instance, been charged on any over-draft. Nearly all the time the total balance has been in favor of the bank—that is to say, the bank has been in advance to the corporation and the account largely overdrawn, and the account has been of no value to us. The balance in the bank February 6, 1872, to the credit of the treasurer of the District, was \$49,248 06, and to the credit of the treasurer of the board of public works, \$31,847 15.

WM. S. HUNTINGTON.

City of Washington in account with First National Bank from May, 1868, to December, 1871.

1868.	DR.	1868.	CR.
June	\$4,206 70	May	\$8,781 81
November	1,803 67	August	326 59
		September	13,715 03
1869.		October	18,295 13
May	36,423 82	December	34,362 94
June	93,079 33		
July	123,313 90	1869.	
August	139,171 21	January	139,467 16
September	114,338 11	February	36,542 58
October	183,435 62	March	44,410 11
November	230,972 76	April	35,831 42
December	55,164 63		
		1870.	
1870.		December	114,580 36
January	5,403 61		
February	9,358 19	1871.	
March	70,376 06	January	58,623 77
April	75,868 07	February	80,257 98
May	124,003 25	March	7,232 98
June	185,300 82		
July	174,400 73		
August	172,565 68		
September	177,315 09		
October	139,172 87		
November	73,349 06		
1871.			
April	93,550 13		
May	110,495 72		
June	181,122 09		
July	155,383 36		
August	153,710 89		
September	141,706 96		
October	138,275 34		
November	168,393 29		
December	180,227 17		

Balance to credit of 10-year bond fund from February, 1869, to December, 1871.

1869.		1870.	
February	\$51,244 90	August	\$98,266 36
March	55,917 75	September	97,652 10
April	63,079 60	October	97,596 60
May	67,818 81	November	104,938 91
June	69,365 28	December	104,811 41
July	70,565 32		
August	60,578 32	1871.	
September	61,699 66	January	122,201 03
October	60,938 49	February	129,021 12
November	61,024 59	March	126,303 62
December	61,024 59	April	125,543 12
		May	125,415 62
1870.		June	125,369 12
January	61,024 59	July	125,369 12
February	49,024 59	August	115,026 42
March	48,568 09	September	115,291 66
April	48,078 09	October	115,482 61
May	47,878 09	November	115,482 61
June	96,138 91	December	125,644 58
July	96,140 57		

N.

Statement of the amount of bonds sold by the District of Columbia to date.

"PERMANENT IMPROVEMENT BONDS."

Amount sold for delivery during 1871	\$1,500,000 00
Amount sold for delivery as work progresses	2,500,000 00
Total	<u>4,000,000 00</u>

These bonds bear 6 per cent. interest in gold, maturing in twenty years, and were issued under the act of the legislative assembly, approved July 10, 1871, and the supplementary act approved December 16, 1871.

One and one-half millions were sold at 94 net, to the First National Bank of New York, giving the purchasers the option of the remaining two and one-half millions at the same rate, which option has since been accepted.

No bonds have been printed to exceed the four millions of dollars, for the purposes of permanent improvements, nor have any arrangements been made or contemplated for issuing or printing any bonds for a greater sum than four millions of dollars, nor have any been hypothecated.

The amount of "water-stock bonds" issued under the act of the legislative assembly, approved July 20, 1871, and the act of Congress of July 14, 1870, is \$450,000. The amount received for same, \$450,000. These bonds bear interest at 7 per cent. in currency, maturing in thirty years.

Respectfully submitted, and certified to be correct.

[SEAL.]

GEO. E. BAKER,
Comptroller.

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington City, February 8, 1871.

EXECUTIVE OFFICE, DISTRICT OF COLUMBIA,
Washington, February 7, 1872.

DEAR SIR: In reponse to your inquiry, made in pursuance of the request of the counsel for the memorialists, and in answer to interrogatory number fourteen of the interrogatories of the memorialists of February 6, 1872, I inclose the letter of the comptroller of the District of Columbia, furnishing information as to the amount and price of bonds sold for District improvements.

In further reply to the inquiry of the memorialists, I have to say that no bonds for the second loan, so called, have ever been printed, nor has there been any intention to print such bonds, the four millions authorized by the first act of the legislature being all that is deemed necessary to carry out and perfect the general plan of improvements adopted by the board of public works and the legislature.

I am somewhat surprised that such a question should have been asked, in view of the fact that both the governor and the board of public works publicly announced, in a letter dated November 16, 1871, and printed in the public journals of the following day, their intention to negotiate only a loan to the extent of four millions, and in view of the further fact that the legislature, at its recent session, adopted a resolution to the same effect. Copies of the letter and resolution are herewith inclosed, which I much desire may be examined by the committee, inasmuch as the effect of suggestions like those to which I have referred, whether so designed or not, cannot fail, if uncontradicted, to injure the credit of the District.

Very truly yours,

H. D. COOKE,
Governor.

Hon. W. E. CHANDLER.

Concurrent resolution declaratory of the purpose of the legislative assembly in passing the \$4,000,000 bill of August 19, 1871.

Whereas an act was passed by the legislative assembly, and approved by the governor, July 10, 1871, authorizing the issue of registered or coupon bonds, to be designated "improvement bonds," to an amount not exceeding four millions of dollars, for the purpose of enabling the board of public works to improve and repair the streets, avenues, alleys, and roads in the District of Columbia, and for the construction and repair of sewers, bridges,

and other public works therein, in conformity with a plan of improvements, and estimates of the cost thereof, previously submitted to the legislative assembly by the said board, the execution of which act was judicially enjoined on the petition of citizens, because of supposed legal defects therein, and the legality of which has not yet been fully determined; and whereas, in consequence of this legal impediment to the progress of the contemplated improvements of the board of public works, another act was passed by the legislative assembly, and approved by the governor on the 19th day of August, 1871, by which last-mentioned act the question of authorizing the creation of a debt to the amount of four millions of dollars for improvements and repairs in the District aforesaid, according to the said plan of the said board of public works, was submitted to a vote of the people, and, having been ratified and sanctioned by them, has become a law; and whereas it is desirable as well to secure the most favorable negotiation of the loan of the four millions of dollars required by the board of public works as to prevent the depreciation of other stocks and bonds of the District, that the entire amount of bonds proposed to be issued should be definitely known; and whereas the governor of the District, in a public letter, bearing date November 19, 1871, has made known his interpretation of the above-mentioned acts in plain and unequivocal language, speaking both for himself and the board of public works, as follows: "I will frankly say, without reservation, and am willing now and hereafter to be held responsible for this assertion, on my own behalf and on behalf of the board of public works, that in seeking this indorsement of the loan by the people, it never has been, nor is it now, our intention to negotiate, use, or apply more than the four million dollars originally contemplated;" and whereas it becomes the legislative branch of the government in like manner to give public expression to its intention in passing the two acts aforesaid, authorizing the issue of bonds for improvements: Therefore,

Resolved by the two houses of the legislative assembly of the District of Columbia, That it was the purpose, and still is the purpose, of the legislative assembly to authorize the issue of bonds to enable the board of public works, to prosecute their plan of improvements to the amount only of four million dollars, under either of said acts; that sum being the amount which was estimated by the said board as sufficient to carry out the plan submitted by them to the legislature, and for which appropriation was duly made.

A true copy. Attest:

F. H. SMITH,
Chief Clerk.
Per W. M. MEW,
Assistant Clerk.

O.

Letter of James A. Magruder relative to P street bridge.

GEORGETOWN, February 13, 1872.

SIR: I herewith submit the following statement in reply to your inquiry in relation to the contracts and cost of the West and P streets bridge. The first contract was made by the corporations of Washington and Georgetown, for the abutments of the bridge, with N. T. Metzgar, November 9, 1869, the two corporations to divide the cost equally, and the contractors to be paid on monthly estimates. The estimates were regularly paid for several months, after which the corporation of Washington, for want of funds, ceased paying, when the contractors stopped work, and refused to continue it under their contract. After several futile attempts to settle with them, by the representatives of the two corporations, the matters in dispute were left to arbitrators, and a final settlement reached.

Another contract was made by the corporations of Washington and Georgetown, November 28, 1870, for the completion of the abutments, with J. V. W. Vandenburg. A contract was also made with Jno. W. Murphy, of Philadelphia, for an iron bridge, to cost ten thousand dollars.

The amount paid for the bridge and abutments is \$54,890 68.

Very respectfully,

JAMES A. MAGRUDER,
Member of the Committee in charge of the work.

Hon. H. D. COOKE,
Governor.

P.

Letter of J. V. W. Vandenburg relative to West and P streets bridge.

WASHINGTON, D. C., February 8, 1872.

SIR: In reply to your verbal inquiry, why Seneca stone, instead of blue gneiss, was used for coping the abutments of the West and P streets bridge, I have the honor to state

that blue-stone of the required dimensions—7 feet by 3½ feet, and 18 inches thick—could not be procured. Hence there were only two kinds of stone (granite and Seneca) from which to make a selection; and as the Seneca stone could be obtained, sawed to thickness, at a much less rate than the other, it was given the preference and used. The cost of Seneca stone, sawed to thickness and delivered on the work, was \$56 70 per cubic yard, while that of granite was \$79 38. The difference in the cost of cutting Seneca sawed, and granite as delivered from the quarries, is upward of fifty per cent. Seneca stone coping is required to be used by the terms of the contract, and in my judgment makes a much more desirable and better job.

Very respectfully, your obedient servant,

J. V. W. VANDENBURGH.

His Excellency Governor HENRY D. COOKE.

Q.

Letter of B. Oertly, assistant engineer, relative to work in vicinity of F street.

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Office of Chief Engineer, Washington, D. C., February 13, 1872.

SIR: I have the honor to submit the following estimate of cost of the sundry improvements, referred to in the sixteenth interrogatory of the memorialists, in addition to those given by W. Forsyth, esq., assistant engineer, in his letter to the Hon. W. E. Chandler, dated February 2, and which included all the work on F street northwest, paid or to be paid by the board of public works:

Amount of payments made or due to Himber and others, on F street between Seventeenth and Twenty-second, for grading, curbing, laying foot-walks, &c., and Seventeenth street app'e.....	\$21,905 97
Amount of payments made to V. J. W. Vandenburg, on Eighteenth and Nineteenth streets, northwest, for grading, sewerage, &c.....	14,436 72
Eighteenth street pavement, (Filbert).....	16,740 00
Balance of grading on E, F, G, Nineteenth, Twentieth, Twenty-first, and Twenty-second streets, 43,059 yards, at 25 cents.....	10,764 75
Balance of sidewalks and curbs on Nineteenth, Twentieth, Twenty-first, G, and S streets.....	26,889 20
Pipe-sewers on Twentieth and Twenty-first, between E and F.....	1,760 00
	92,496 64
Less one-third.....	30,832 21
	* 61,664 43
The estimate for paving with concrete pavement, G street, Nineteenth, Twentieth, and Twenty-first streets, is 27,759 square yards, at \$3.....	83,277 00
Less one-third.....	27,759 00
	55,518 00

Most respectfully,

B. OERTLY,
Assistant Engineer.

Hon. A. R. SHEPHERD,
Vice-President Board of Public Works.

WASHINGTON, D. C., February 15, 1872.

Mr. GREEN called the attention of the committee to the insufficiency of Governor Cook's answers to the interrogatories put to him in writing, specifying particularly the answers to the third interrogatory, in reference to the total cost of the work contracted for previous to November 22, 1871, and the total cost of all work contracted for; also the answer to the sixth interrogatory in reference to the amount paid to city newspapers for printing and advertising, in which answer there are various blanks and omissions; also the answer to the ninth interrogatory, in reference to the advice and opinion of the advisory board upon the question of the Washington Canal and the Missouri Avenue sewer; also as to the figures showing the expenses of the first and second registrations, which figures he claimed to be incorrect; also as to the omission to give the figures showing the amount of the debt of the District of Columbia.

Mr. CHANDLER denied that there was any intentional omission of any information called for. The answers to the interrogatories had been prepared with great care, under his own inspection, and he would be willing to argue the question as to their sufficiency on exceptions being taken before a court of equity. The amount of the public debt had not been called for, but would be supplied if desired. The interrogatory as to the advisory board had been fully and properly answered.

Mr. GREEN admitted that the answer was formally sufficient, but said that it was actually evasive; and he asked to put in evidence a pamphlet containing the opinions of General Meigs, and other scientific men, on the question of projected improvements.

Mr. CHANDLER said he had no objection to having the pamphlet received in evidence, and it was therefore received. It is as follows:

WASHINGTON CITY CANAL.

The following communications were presented to the board of public works, at a meeting held in June, 1871. They are the opinions of the following gentlemen upon the proper disposition of the "Washington City Canal," viz: Major General M. C. Meigs; Major General A. A. Humphreys, Chief Engineer United States Army; Captain C. P. Patterson, United States Coast Survey; Brigadier General N. Michler, late Commissioner Public Buildings and Grounds; Dr. J. C. Hall.

These opinions were called out in response to the following communication, addressed to them severally:

"SIR: The undersigned have learned that the board of public works contemplate making certain changes in the Washington City Canal. On account of the great public as well as private interests involved in a wise and proper solution of the question, and having requested a hearing in regard to the whole subject by the board of public works, the undersigned respectfully request that you would favor them with your views upon the 'canal question,' in its relations to the sewerage, commerce, and health of the city, and with special reference to the following points:

"1st. Whether it would be desirable to arch and convert the present canal into a sewer.

"2d. Whether it would be desirable to fill up the whole or any portion of the canal running through the city.

"3d. Whether it would be desirable for sanitary, sewerage, and commercial reasons, to open it throughout its entire length by dredging, and keep it open by the same process.

"The undersigned are only anxious that the *best plan*, and one that would promote the interests of the people generally, and be of the greatest practical and permanent benefit to the city, shall be adopted. Appreciating not only the great importance of the proper and wise solution of this question to the interests of this city and District, but also your special ability to solve it, we remain, very respectfully, your obedient servants,

"WILLIAM H. PHILIP,

"WILLIAM B. TODD,

"MOSES KELLEY,

"Committee."

Communication of Major General M. C. Meigs.

WASHINGTON, May 25, 1871.

DEAR SIRS: In reply to your note of to-day I give my conclusions as to the proper mode of dealing with the canal:

1st. It would, I think, be a great waste of money and of opportunity for commerce, to close up the canal once opened at great expense.

2d. The only mode of cleaning out the canal and of keeping it open, is to use steam dredging machinery.

3d. Most of the material raised by the dredges would be worth, either as building-sand, or as a top-dressing for market farms, nearly if not quite as much as it will cost to raise it.

4th. At certain points in the canal the deposit consists of a very fair building-sand, at others of fine gravel, suitable for making mortar or for laying pavements.

5th. The board of commissioners of Fairmount Park, Philadelphia, in their report of 1870, report of the engineer, page 51, say: "The steam-dredges have been kept on active duty nearly all the year raising river-silt; the material has been used for new embankments and for top-soil. The quantity raised during the year has been over 41,000 cubic yards, increasing the capacity of the pool to that extent, and removing an inconvenient obstruction to the flow of water. The cost of the excavated silt lifted and deposited on the mud-scows averages about seven cents per cubic yard, including fuel and repairs to machinery. The cost of grading is much more than that of excavating."

In the tabular statement of quantities of material I find reported river-silt excavated, 41,627 yards, and in the report of expenditure, at page 85, dredging cost \$3 016 14.

Equally honest and faithful superintendence would dredge in the Washington Canal as cheaply as in the Schuylkill Basin.

6th. Once cleaned out by thorough dredging, the dredging machine should be kept in good order and used whenever necessary, as, after every considerable flood, to remove any deposits at the outlets of sewers, or of Tiber and Rock Creeks.

7th. I believe that the reduction in the cost of materials for building and fuel for the consumption of the city of Washington consequent on the reopening of the canal, will be a very important saving to the inhabitants of the city.

8th. I believe that the coal trade for exportation to the Atlantic cities, north and south, will in a few years outgrow all wharf-room at Georgetown, and lead to the use of the deep water of the Eastern Branch, between the navy-yard and the arsenal, as well as of that of the Potomac west and north of the arsenal, as a commercial port from which great advantages are to be desired, and this will justify the opening and keeping navigable of both branches of the canal—that to near the navy-yard, and that proposed through the valley of James Creek to the arsenal, at Greenleaf's Point.

9th. The ordinary sewerage of the city must continue with the increase of the city to increase in quantity. The flux and reflux of the tide in the canal, even when its whole channel is cleaned out to the depth of 6 feet at low tide, will inevitably carry a portion of this sewerage backward and forward, to ferment and make the water offensive to the senses and injurious to health. To provide against this, there should be colliding sewers to receive all the ordinary drainage and carry it to the Potomac, into which it should be discharged without entering the canal.

10th. It is not without enormous expenditure practicable to make any covered channel which will carry off the greater flood-waters of the city, and of Rock Creek, and of Tiber Creek. These must be discharged along the route of the canal, the original natural outlet of the drainage of a large part of the city, including Tiber Creek. But the flood-waters are not sewerage-waters. They so much exceed, during the few hours the creeks are up, the ordinary flow of the sewers and creeks, that the sewerage then mingled with them is insufficient to contaminate them to any great degree.

These floods bring down mud, sand, and gravel, for which, with these terrestrial waters, the only practicable escape is the canal. The wider the canal the more quickly will these waters escape. The deposit, the vein of mud, and sand, and gravel, can be removed only by excavation, and the cheapest excavation is dredging by steam.

11th. I think that a six-foot barrel-sewer on the north bank of the canal will be sufficient to convey to the Potomac all the ordinary sewerage, and even the washings of the less violent rain-storms. The great rain-floods, which sometimes amount to 4 and even 6 inches of rain-fall within 24 hours, *must escape into the canal*.

12th. I refer to works of drainage, well known to engineers, in London and Paris, carried out at great expense, to prevent the contamination of the waters of the great rivers, the Thames and the Loire, by the sewerage of those cities, which are based upon the results of experience, which experience has established the principles involved in the scheme which I recommend.

13th. Whatever method is adopted, as I believe that it is impracticable to carry the Tiber from its mouth in the canal to the Potomac or Eastern Branch by any sewer of practicable size and cost, without subjecting a large portion of its valley to annual overflow, I think that the first and essential thing is to clean out the canal, and that this would be *necessary* even were there no prospect of economy or commercial advantage from its use for navigation. I think that an inspection of the grounds is sufficient to show that the best route for the southeasterly outlet of the canal is by the valley of James Creek. The ground is low, there is ample room for wharves and warehouses, while the present route passes through much high ground, and the banks of the canal in deep excavation are inaccessible to carts and wagons.

The James Creek route is apparently best for commerce and for the drainage of the valley. If this route is opened, little expenditure should be applied to the present southeast portion of the canal east of the Botanic Garden, until the growth of the coal trade *demand*s another outlet to the Eastern Branch.

The saving in the cost of material for paving the streets of Washington alone ought, in a few years, to compensate the people for the cost of opening and keeping open this canal.

14th. I observe, in conclusion, that the refuse of food, forage, and the excreta of 130,000 human beings and domestic animals will not take care of itself. To remove it without expense of labor and of money is impossible. The steady overflow of waste of domestic use, of water for fountains, and pavement-washers is a most valuable means to aid in their removal, capable, under a good system of sewerage constructions, of removing by far the greater part of it into the Potomac, which is large enough to carry it off to such a distance as will render it harmless; and this can be done by collecting sewers parallel to the canal, intercepting all the ordinary and final discharge of the town drains.

15th. Something has been said of the great value of sewerage as a manure. I think this an *ignis-fatuus*, which has already led, in other and older cities, to the sinking of large investments in unprofitable enterprises, fatal to the pockets of the investors and most injurious to the health of districts in which the works are located.

The greatest blessing to any community is health, and no money to be cleared for sewer-

age can pay in this century for the annoyance and ill-health caused by any attempt to detain, collect, and utilize the ejections of men and animals of a great city.

We should be thankful that we have such means of removing all this foul stuff as Rock Creek, the Tiber, and the Potomac afford, and our endeavors should be to aid nature by opening the most direct and speedy channels for the passage of all foul sewerage to the main channel-way of the Potomac River.

I am, gentlemen, very respectfully, your obedient servant,

M. C. MEIGS.

Messrs. W. H. PHILIP, W. B. TODD, MOSES KELLEY, *Committee.*

Communication of Captain C. P. Patterson, United States Coast Survey.

WASHINGTON, May 25, 1871.

W. B. TODD, Colonel W. H. PHILIP, MOSES KELLEY, *Washington.*

GENTLEMEN: In answer to your note, the following suggestions and facts in regard to the Washington Canal are offered. The points to be considered are, I presume: 1. *Health*; 2. *Cost*; 3. *Utility*.

1. *Health*.—The length of the canal from Seventeenth street west to the Eastern Branch is given at 15,326 feet. Its breadth from Sixth to Seventeenth street west, a distance of 5,200 feet, is 150 feet; from Sixth to Maryland avenue, a distance of 2,968 feet, its width is 70 feet; and from Maryland avenue to its south end, 7,158 feet, its width is 40 feet, and its area 1,274,080 square feet. The approximate area of the city is, I believe, about 300,000,000 square feet. The total area which shall discharge its sewerage and drainage into the canal is, as nearly as I can estimate without actual levels from the general map, about 110,000,000 square feet. Within this area are located the great public reservations, containing about 16,000,000 square feet. Deducting this from 110,000,000 leaves 94,000,000, from which again deducting, for streets, alleys, open spaces, &c., two-fifths, there would remain about 56,500,000 square feet available for all business purposes and habitations. This area, divided into lots of 20 by 100 feet each, would give 28,250 lots of 2,000 square feet each. If each of these lots should be occupied by six persons, the whole would contain a population of 169,500, a greater diversity of population than will probably obtain for several generations. The present population of the city is about 110,000; of this number, about 70,000 occupy the area referred to.

The area of the canal being 1,274,080 square feet and there being two tides in the twenty-four hours of three feet each at this place, the tidal water flowing into and out of the canal each twenty-four hours amounts to 7,644,480 cubic feet, or over 21,000 tons. The annual rain-fall here is given in the Army Meteorological Register, published in 1855, as 42 inches; of this amount, say two-thirds will drain off. The area of the canal drainage being about 110,000,000 square feet, the rain-fall drainage would amount to 259,000,000 cubic feet, or say 7,200,000 tons per annum, or nearly 20,000 tons daily average, if yearly distributed. Of aqueduct water, I presume the amount used will average 100 gallons for each person, or, with 70,000 persons, say 7,000,000 gallons, or about 26,000 tons daily.

The average daily amount of water-flow into the canal would thus be for tide water, 21,000 tons; for rain-fall, 20,000 tons; for aqueduct water, 26,000 tons; total 57,000 tons, although the daily solid dried excrement amounts to an average of only 174 ounces each person, yet the estimated average quantity of organic matter of all kinds in sewerage is five tons for each 20,000 persons. This would give for the canal area containing 70,000 persons 17½ tons, or 39,200 pounds. This divided into the amount of water flowing into the canal, viz, 57,000 tons equals 3,257. The amount of water reported necessary to render sewerage innocuous is 300 times the weight of the organic matter contained in it. Thus the amount of water flowing now into the canal is sufficient to render innocuous nearly eleven times the quantity of organic matter which can, at present, be discharged into the canal, even if a thorough system of sewerage were now established. If the canal had a depth of six feet at mean low tide, it would contain at that stage of the tide the same amount which flows in and out each 24 hours, which would prevent any effluvia from arising. Even now at high tide there is little or no smell from the canal. At low tide a certain amount of the canal water remains in the river near each end, and flows back in the first of the flood, but amounts probably to not more than one tenth of the amount flowing in. Hence the conclusion, that by the flow of the present supply of water alone, with a depth at mean low tide of six feet, over ten times the amount of sewerage matter, which it is possible now to discharge into the canal, could be rendered innocuous to health.

That the canal should act thoroughly and effectually, *it is absolutely necessary to keep it open throughout its whole length*, and communicate freely with the rivers at each end, so that as free a horizontal movement of the water may take place as possible. If closed at one place it becomes a mere basin at each head, where the water would rise and fall, but have little or no horizontal movement, as is shown in the case of the upper basin of Baltimore harbor. For commercial purposes such an obstruction would, for obvious reasons, be fatal.

2. *Cost*.—To deepen the canal to six feet, at mean low tide, underpin and repair the walls,

the estimated cost is, I understand, \$180,000. To keep it to its depth by simple dredging, \$10,000 annually.

To arch it over, and retain it of sufficient capacity to receive drainage from rain-fall, &c., the estimated cost is, I understand, *not less* than \$1 75 per running foot; 15,000 feet at at \$1 75 = \$2,625,000. The assessed value of the property of Washington is, I believe, \$74,000,000. This cost would be over 3½ per cent. upon the whole value of the city, and greater than two years of its income. The city of New York is assessed for tax purposes, I believe, at \$600,000,000. A work requiring the same ratio of outlay in that city would cost \$21,000,000.

The money for arching must be borrowed. Added to the present corporation debt, which is reported to be \$2,600,000, there would be an increase of 100 per cent. in debt, the total of which would amount to 7 per cent. upon the value of the city. At the same ratio the debt of New York would be \$42,000,000.

The sewer to be arched must be of sufficient size to carry off, at the highest stage of the tide, all the drainage from the rain-fall of sudden and severe storms, which often occur during the dry season, with the ground hard and baked, discharging, as from a roof, in torrents nearly the whole rain-fall. Such storms have been known to discharge eight inches of rain in twenty-four hours. From the drainage area of the canal there would rush 73,000,000 cubic feet of water—a sufficient quantity to raise the surface of the canal, if it were walled up and dammed at each end, more than fifty-seven feet.

The interest on \$2,625,000 at 6 per cent. is \$157,500. One year's interest of the cost of arching would be nearly enough to put the canal in complete order, with a depth of six feet at mean low tide. With the cost of arching incurred, so far as all other more needed improvements are concerned, the District government would be shocked.

3. *Utility.*—With a depth of six feet at mean low tide the canal would be of great commercial importance, particularly if the canal from Seventeenth street to Rock Creek was, as it should be, in a navigable condition, and should not be considered by itself alone, but as a part of a general scheme for commercial purposes, for which this harbor and vicinity are eminently fit and capable, including the river, the harbor and canal. This, however, cannot be discussed here. I am assured by traders and boatmen on the river and merchants in the city that, so soon as such a canal was opened, small tugs and vessels, suited to the canal, river, and even bay, would be built, immense quantities of materials, market provisions, &c., would be landed on its banks, and depots for shipping and receiving coal, &c., would be established.

The Gowanus Canal, Brooklyn, receives the drainage from a portion of the city, containing about 25,000 persons. It has been proposed not to arch, not to fill in, but to extend it around to the East River, on account of its great local commercial value and utility. It would then bear to Brooklyn almost precisely the relation the Washington Canal bears to this city.

The banks of the canal are 30,652 feet in length; of this, say 8,652 feet, would be reserved for ornamental purposes; there would remain 22,000 feet for commercial purposes. It is estimated that the whole of this would be in demand, and yield a rental of not less than \$5 per foot per annum, or \$110,000 per annum.

The connection with the Chesapeake and Ohio Canal is insufficient, and I would suggest that the present canal from Seventeenth street to Rock Creek be filled up, and that the Washington Canal be extended from the end of the old wharf at Seventeenth street around through the flats to the river just below Easby's wharf, and a lock constructed from Rock Creek to the river. Boats could thus be locked directly into the river and tugged to any point in the canal, or upon the river front. This, however, leads to a discussion too long for this note. But it also leads to the propriety of doing nothing new to the canal at present than to dig it out to six feet depth at mean low tide, which must be done, whatever place may be ultimately decided upon, and let it remain until the larger scheme, embracing the harbor, river, Rock Creek, and canal, drainage and sewerage be fully and thoroughly thought out and planned. In the mean time the owners of the canal from Seventeenth street west to Rock Creek should be forced to dig out that canal to six feet in depth and put it into serviceable condition. In addition I will state that the facts and conditions of the case lead my mind to the conclusion that *not only should the canal be kept open* but that the width throughout its length should be not less than 100 feet; and also that for health, economy, and utility the original main canal from South Capitol street and Indiana avenue to the arsenal, through the low level of that marsh, should be constructed and kept open in preference to that branch which now leads through the deep cut to the Eastern Branch.

There are many points, in addition, which could be discussed, but this note is already of immoderate length.

My general conclusions are that the canal should be kept open, be widened, deepened, and extended, and kept to its depth by annual dredging.

In the future, when the population of the city becomes dense, its commerce great, and the ground along the site of the canal be worth \$30 or \$40 per foot, its value as ground worth twenty or thirty millions or as a canal may possibly become a question to be discussed.

Yours, very truly,

C. P. PATTERSON.

Communication of Dr. J. C. Hall.

WASHINGTON, May 12, 1871.

TO THE BOARD OF PUBLIC WORKS:

GENTLEMEN: Do me the favor to read the article on page 30 in the pamphlet herewith sent. Since its publication my views and plans have changed in these respects. I *now* think that the dredging will require an average of six feet. I also now think that the canal should retain its present width, as more pleasing to the eye, more convenient for navigation, and not materially adding to the cost of its restoration or its future preservation. The disposal of its deposits seem to be the principal impediments to the prosecution of the work. The Government needs an immense quantity of earth to grade the grounds around the Capitol and the White Lot, and can find and pay for no more accessible or better material. There is also a large space between the island and the Monument Lot which may be advantageously reclaimed, and will absorb a very large amount of earth. I also venture another suggestion, which is this: Commencing at Maryland avenue and extending to the Monument Point there is a strip of land 80 feet wide and more than a mile long between the canal and the Public Mall. This land is from two to four feet lower than the inclosed public grounds and the cross streets at Seventh and Twelfth, &c.

Let a low restraining and parapet wall be erected on the south side of the canal: raise this roadway by the deposits from the canal to the level of the streets; continue this road down the river front of the mall, and connect it with the fine street which forms its southern boundary; let willow trees and suitable shrubbery be planted along the border of the canal as a screen, and a beautiful drive of three miles in length, at no great expense, will be furnished.

It is plain that the accomplishment of these several plans will give a large and ready place for a large portion of the deposits raised by the dredging-machine.

I am much in favor of the conversion of James Creek into a canal, as being necessary to drainage and facilitating commerce which will naturally seek that entrance to the heart of the city.

I am opposed to the straightening of the canal, as a useless expense, and because, if the canal is made navigable to Georgetown, we shall need all the wharfage its present form and connections afford.

I am opposed to any plan of flushing or washing out, because I think it impracticable, and ought not to be permitted if practicable, as the channels of both rivers will thereby be obstructed and destroyed.

I am opposed to the arching of the canal, as a residence and observation of more than forty years have convinced me that its whole capacity is not enough for the tremendous floods we sometimes have; because it would be destroying a work that can be made to yield a large revenue and employment for labor and enterprise; because the condensed effluvia issuing from the necessary openings will endanger the public health; and, lastly, because of the enormous and incalculable expense of its construction, and the almost impossibility of cleaning it out hereafter. In fact, this idea of arching over the canal must have emanated from a mind more philosophic than practical.

To conclude, in my humble opinion, the canal, in its most liberal dimensions, is indispensable to the reception of sewerage and rain-water, and may be made a source of profit, an ornament to the city, and a means of health, convenience, and pleasure. Let it be spanned with suitable bridges and their accessories, and in time it will be to Washington what the Seine is to Paris.

Wishing nothing for myself, or any one else, my only desire is that the best measures for the accomplishment of this great and necessary improvement may be adopted and carried out by competent and honest men.

Hoping, gentlemen, that you may have abundant success in your important office, I have the honor to be, your obedient servant,

J. C. HALL,
909 Pennsylvania Avenue.

Supplement to letter of 12th.

MAY 15, 1871.

The proposition to substitute for the canal, from Sixth street to Virginia avenue, a covered aqueduct, is open to the most serious objections; it would destroy the navigation from the Anacostia, through James Creek, which is the nearest route to boats coming up the river. This aqueduct must necessarily have a capacity sufficient to convey the waters which pass through the arch at Second street, and also the sewer and surface-draining from hundreds of acres besides.

Within the last few years the houses and lots in the neighborhood of the Second-street arch were overflowed to the depth of three or four feet.

A sewer to replace the canal must have immense width and can have but little depth, as its bottom must be nearly on a level with high-tide, as otherwise the canal or river will flow into the sewer instead of the opposite. To the objection that the open canal will disfigure the proposed park, I reply that, by handsome bridges, ornamented lakes and fountains, it will give beauty and variety to the public grounds. I trust that the construction of this expensive sewer will be postponed till that portion of the canal is thoroughly cleansed, which is indispensable in any view.

I pass to another point. A reason for straightening the canal is, that its present form will impede navigation; and I sometimes hear, from the lips of those who deride the notion, that there will never be any commerce there at all. This difficulty, if it exists, may readily be met at a small expense, by converting the two entering angles at Sixth street and the one at Third street into bold curves. At Seventh street the canal begins to deflect south of east, and makes a bold swoop as it becomes parallel to Sixth street. At Sixth and Third streets the angles will require change. I do not refer to the objection that the abrupt angles will retard the force of the current, as I do not approve of any mode of keeping the canal open except by continual dredging—that, in my opinion, being the cheapest and most effectual method of preserving the navigation both of the canal and rivers.

I wish to say a few words more about the canal question in its relation to health. I assert, from a residence of forty-two years near the canal, as a practitioner of medicine, that it has not been, even in its present wretched condition, a material cause of disease, and that the avenue, from Third to Fourteenth streets has been as exempt from malarious and zymotic endemics as any other section. Water absorbs and neutralizes malaria, animal and vegetable poisons. The sun rarifies, and the winds dilute and dissipate the miasma that may arise. The green scum now seen upon the exposed surface suggests disease, but it is in fact a living plant, that can only be noxious when, from want of water, it dies and decays. But let all the accumulated organic matter *be buried beneath a made soil*, as has been proposed, and all these conditions and counteracting influences will be changed or lost.

Tiber Creek, now the canal, is the natural reservoir of a large part of the city, and filling it up, or the substitution of sewers, will not prevent it from being the receptacle of stagnant and corrupted water. The unhealthiness of Canal street and its neighborhood, in New York City, has been attributed to the fact that they cover the bed of a natural stream, and the eminent Dr. Bowditch, of Boston, has largely traced consumption to residences similarly conditioned. The former, and in a less degree the present, liability of persons living on our beautiful heights to intermitting fever, is due to the fact that the basin lying between N street and their base had *no Tiber, no canal*. I wish to make this point very plain, as it is important and has not been discussed.

The rain and domestic slops, poured upon our yards, gardens, alleys and streets, charged with every kind of animal and vegetable matter, soak into the earth and are conveyed slowly but surely to the most dependent point, which in this case is what was once the bed and channel of Tiber Creek. Each succeeding rain, by the process of percolation, drives on, dilutes and freshens the water that saturates the soil, thus keeping it sweet and harmless.

Destroy the natural reservoir, or dam it with impervious walls, and you have a barrier to the escape of this dangerous material, “while rank corruption, ruining all within, infects unseen.”

A Detroit editor bitterly, but I fear too truly, says that a wooden pavement is six inches of typhoid fever. Destroy the subterranean but invisible drainage that nature has provided, and we shall need a larger measure for our calamity.

The great importance of the canal question in all its aspects must excuse tediousness.

J. C. HALL.

WASHINGTON CANAL.

Streets.	Length.	Breadth.	Square feet.	Depth.	Cubic feet.	Cubic yards.
Sixth to Seventeenth, . .	5,200	× 150	= 780,000	× 6	= 4,680,000	= 173,333
Seventeenth st. to Md. ave.,	2,968	× 70	= 207,760	× 6	= 1,244,680	= 40,173
Maryland avenue to end,	7,153	× 40	= 286,320	× 6	= 1,717,920	= 63,626
	<u>15,326</u>		<u>1,274,080</u>		<u>7,644,600</u>	<u>= 283,133</u>

At \$33½ per cubic yard, will cost \$94,377.

CHESAPEAKE AND OHIO CANAL.

Seventeenth street to Rock Creek, $7,920 \times 25 = 198,000 = 1,188,000 = 44,000$ yards.
At \$25 per yard, will cost \$11,000.

J. C. HALL.

MAY 12, 1871.

Communication of Major General Humphreys, Chief Engineer United States Army.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., May 29, 1871.

GENTLEMEN: I am not able to reply other than briefly to your communication respecting the Washington Canal.

After a somewhat careful examination of the subject presented by you, I should advise that the canal be dredged to about the depth proposed, six feet below mean low water, and be kept at that depth by constant dredging. The canal maintained in this condition will, for some years at least, afford an effective and the least costly receptacle for the sewers of that portion of the city draining into it. The constant flow of fresh water through the canal would probably prevent the escape of noxious gases from sewerage accumulation until they are removed by dredging.

The construction of collecting-sewers along the line of the canal may follow when found to be necessary. The canal, in its improved condition, will have a channel fully sufficient for the free discharge of the floods of Tiber Creek.

Having had the opportunity of examining the papers of General Meigs and Captain Patterson, I may add that I concur in their views and recommendations.

Very respectfully, your obedient servant.

A. A. HUMPHREYS,

Brigadier General and Chief of Engineers.

Messrs. W. B. TODD, W. H. PHILIP, and MOSES KELLEY,
Washington, D. C.

P. S.—I inclose herewith a report just received from General Michler, in charge of public works, to whom I returned your letter.

A. A. H.

Communication of N. Michler, major of engineers, United States Army.

WASHINGTON, D. C., May 27, 1871.

SIR: The communication of W. H. Philip, esq., and others, having been referred to me for report, I hereby submit a copy of my report to Hon. M. G. Emery, mayor, and made 2d April, 1871, which seems to cover nearly all the points upon which information is asked. At the time the report of April 3 was made the canal commission had no authority to open the James Creek branch of the canal. In the deficiency bill, approved 20th April, 1871, authority was given to open this branch, and I deem it of the utmost importance to interests of that section of the city through which the James Creek passes that this branch of the canal be opened, as it will drain a vast area of waste, (and I may call it now worthless,) around, which can all be made available for commercial and other purposes, and in time will be very valuable on account of its proximity to the deep waters of the Eastern Branch of the Potomac. The sanitary reasons for opening this branch of the canal from Virginia avenue to the arsenal are even more obvious than the economical and commercial. From the south windows of the Capitol the eye rests upon marshes and flats that three-fourths of the year are covered with stagnant water, and that during the summer months makes that portion of the city almost uninhabitable.

With regard to the first inquiry, arching, &c., I would say that upon careful consideration I was led to believe that it was altogether impracticable to do it with anything like the means placed at the disposal of the commission for doing the work, besides being of doubtful benefit to the city to close an artery, or rather to convert it to but one use, while it could, with far less expense, be made available for commercial purposes with such undoubted benefit to the whole city.

I should look upon it as most unwise to attempt to close any portion of the canal, or to convert it into a covered sewer. When carefully considered, there is no doubt but if the canal is narrowed in the manner set forth in my report of April 3, and the James Creek branch opened as herein suggested, that it will be found to be not only of great benefit to the city in a commercial point of view, but will afford the best of sewerage for the city, while the ground reclaimed by the improvement will not only repay the cost of the same several times over, but the rentals from the wharves would more than pay the entire expense of keeping the canal clear, and the walls, bridges, &c., in perfect order.

First. If converted into a sewer it would have to be dredged.

Second. If filled, provision would have to be made for sewerage at an expense of not less than \$1,000,000; besides, the expense of filling would be three times that of the dredging.

The only practical plan, in my judgment, is to dredge it out and keep water in it to the depth of at least nine feet at low tide by dredging. The plan of narrowing and dredging was agreed upon by the first commission, approved by act of Congress on the 20th of April; the improvement was given into the hands of the board of public works of the District of Columbia.

Very respectfully, your obedient servant,

N. MICHLER,

Major of Engineers, U. S. Army.

Brig. Gen. A. A. HUMPHREYS,

Chief of Engineers U. S. A., Washington, D. C.

WASHINGTON, D. C., February 15, 1872.

SIMON Wolf, being sworn, testified that he is register of deeds for the District of Columbia. He exhibited a book kept in his office, entitled "Record of incorporations of the District of Columbia," and identified, on page 96, a record, of which he furnished the following certified copy:

Incorporation certificate of the "Metropolis Paving Company," recorded October 14, 1870, 12 m.

This is to certify that we, Lewis Clephane, Richard B. Mohun, John L. Kidwell, Moses Kelly, William S. Huntington, Samuel G. Young, Hallett Kilbourn, Adolphus S. Solomons, and Addison M. Smith, have organized and formed a company, to be known by the name of the Metropolis Paving Company, the objects of said company being the laying of all kinds of pavements, the grading of streets and avenues, the laying of footwalks and setting of curbstones, and all work pertaining to improvements of this character, within the limits of the District of Columbia. That the term of the existence of the said company shall be ten years, commencing from the date hereof. That the capital stock of the said company shall consist of two hundred thousand dollars, (\$200,000,) divided into two thousand (2,000) shares of one hundred dollars (\$100) each. That the trustees to manage the concerns thereof for the first year shall be nine in number, namely: Lewis Clephane, Richard B. Mohun, John L. Kidwell, Moses Kelly, William S. Huntington, Samuel G. Young, Hallett Kilbourn, Adolphus S. Solomons, and Addison M. Smith.

The place of carrying on the business shall be in the City of Washington, in the District of Columbia.

In testimony whereof we have hereunto set our hands and affixed our seals on the thirteenth day of October, A. D. 1870.

LEWIS CLEPHANE,	[SEAL.]
RICHARD B. MOHUN,	[SEAL.]
JNO. L. KIDWELL.	[SEAL.]
MOSES KELLY,	[SEAL.]
W'M S. HUNTINGTON,	[SEAL.]
SAM'L G. YOUNG,	[SEAL.]
HALLETT KILBOURN,	[SEAL.]
ADOLPHUS S. SOLOMONS,	[SEAL.]
ADDISON M. SMITH,	[SEAL.]

[Stamp, 5 cts.]

DISTRICT OF COLUMBIA,

County of Washington, to wit:

I, Nicholas Callan, a notary public in and for said county and district, do hereby certify that Lewis Clephane, Richard B. Mohun, John L. Kidwell, Moses Kelly, William S. Huntington, Samuel G. Young, Hallett Kilbourn, Adolphus S. Solomons, and Addison M. Smith, parties to a certain certificate of incorporation bearing date on the thirteenth day of October, A. D. 1870, and hereto annexed, personally appeared before me, in my county aforesaid, and then and there acknowledged the same to be their and each of their act and deed, for the objects therein set forth.

Given under my hand and notarial seal this thirteenth day of October, A. D. 1870.

[NOTARIAL SEAL.]

N. CALLAN,
Notary Public.

This is to certify that the within is a true and verified copy of an act of incorporation as recorded in liber Deeds of Incorporations, fol. 96, *et seq.* of this office.

WASHINGTON, D. C., February 15, 1872.

[SEAL.]

J. WOLF,
Recorder.

WASHINGTON, D. C., February 15, 1872.

THORNTON SMITH sworn and examined.

To Mr. GREEN. I reside in Washington. I have been engaged in contracts here till within the last year. I have been engaged in laying concrete pavements during the last six years.

Question. Are you familiar with the concrete pavement laid by Evans & Co. on Pennsylvania avenue, in front of the President's House, from Fifteenth to Eighteenth street?—

Answer. I have had nothing to do last session but to look at all the pavements that have been going down. I have watched that among the rest.

Q. State your opinion of that work, and its cost and value.—A. If they got the cobblestones which were on the street—as I am under the impression they did—I should not think that that pavement should have cost them over about 75 cents a yard.

Q. Of what material is that pavement?—A. It is principally made of pitch—which is

distilled coal-tar. There may be a little asphalt in it, and I think there is, but it is only in the proportion that a person would use pepper in his dinner.

Q. Do you know anything about the depth of that pavement?—A. I think that, as a general thing, it is about 6 inches deep. In some places, I think, it is less.

Q. Including the cobble-stone?—A. Yes; about 4 inches of cobble-stone and $1\frac{1}{2}$ to 2 inches of concrete. It appeared to be the general understanding, in regard to grading and paving, that 6 inches of pavement would finish the work.

By Mr. CHANDLER:

Q. How much pavement have you ever laid?—A. I really cannot say; a good many thousand yards.

Q. In what cities?—A. In this city and in Annapolis. I laid the first concrete pavement that was ever laid in this city.

Q. Where else?—A. My principal work has been done here and in Annapolis.

Q. Give us an estimate of how many thousand yards you have laid?—A. It is pretty hard to do it. I laid between 3,000 and 4,000 yards here for the Agricultural Department; I laid between 2,000 and 3,000 yards for the Navy Department at Annapolis; and I have spent three years in laying concrete pavement in cellars and on sidewalks in this city.

Q. Have you ever laid any street pavement?—A. Yes.

Q. Six inches deep?—A. Yes.

Q. How much road pavement composed of broken stone and other ingredients have you laid?—A. The first I laid was the drive-way at the Agricultural Department. That is 4 inches deep, and is composed of gravel, tar, and rosin.

Q. Any broken stone?—A. No, sir; gravel is better than broken stone. The river-washed gravel is harder than broken stone.

Q. Have you ever laid a pavement substantially like the concrete pavement now laid in the streets of this city?—A. No; for I think I have laid them better.

Q. It is the fact that I want to get at.—A. That is the fact exactly.

Q. You never have laid any broken-stone concrete pavement?—A. No, sir.

Q. Describe what pavements you have made. What were the ingredients?—A. Gravel, tar, and rosin.

Q. What is the bed of your pavement in the agricultural garden?—A. Earth; the same as it is under all the concrete pavements in the city.

Q. What do you put on that pavement?—A. Gravel.

Q. Of what thickness?—A. About 2 inches.

Q. With any tar in that gravel?—A. Certainly; there is no use in calling a turnpike a concrete road.

Q. Describe how you make it.—A. I mix it before I lay it down; then ram it solid; and then put another coat of tar and gravel on the top.

Q. And what is your final coating?—A. Gravel and tar, but of a finer quality.

Q. That pavement at the agricultural garden, you say, is about 4 inches thick?—A. That is all it is.

Q. Would that pavement be sufficient for Pennsylvania avenue, or for the other streets of this city?—A. If I were going to put a pavement in Pennsylvania avenue, (and I put in a bid for it,) I would make it 6 inches deep.

Q. Then, with the exception of the thickness, you would put down the same pavement on Pennsylvania avenue as that in the agricultural garden?—A. I would; and I would make it concrete to the bottom, which I think the specifications call for, but not one pavement in the city has got it.

Q. What do you mean by "concrete to the bottom"?—A. I mean 6 inches of concrete, not 2.

Q. As a basis for the material?—A. No, sir; the basis is the earth. I would put gravel and tar on that.

Q. Which is your concrete?—A. Yes.

Q. And you would continue it up till you made the final coating?—A. I would; and then I would have 6 inches of solid concrete instead of 2 inches.

Q. In your judgment, would that pavement be sufficient in Pennsylvania avenue?—A. I should think it would, if 2 inches of pavement is sufficient now.

Q. Independently of whether the present pavement is sufficient or not, would that be a sufficient pavement?—A. It would; and it would last just four times as long as the one that is now down there, and for this reason. When the 2 inches of concrete is worn off, then you come down to loose broken stone, which requires a new concrete pavement on the top of it, or else you have got a turnpike road. The streets have commenced to come to that already, with a month's wear.

By Mr. ELDRIDGE:

Q. Have they not put tar on this stone, before the concrete was put on?—A. In some instances they did, and in some not; but the tar that they put on was merely a sprinkling; just as if you sprinkled a floor with a watering-pot before you dusted it.

By Mr. CHANDLER:

Q. Have you ever laid a pavement of the kind which you say would last four times as long as that on Pennsylvania avenue?—A. I have. The pavement that I refer to is in the agricultural garden.

Q. Have you ever had any experience with any other pavement of the kind you describe?—A. The only pavement I ever laid is the kind I have described to you.

Q. Have you any experience of the wear of any other kind of pavement besides that?—A. Only what I have seen laid in this city. I have seen all the pavements that were laid here, and there has not been one of them that has not required repairs, and some of them have been taken up.

Q. What price have you charged for concrete pavement?—A. For the work at Annapolis I got \$1 50 a yard.

Q. What did you get for the work at the Agricultural Department?—A. One dollar and seventy-five cents. That was 4 inches thick.

Q. What price did you get for your pavement on sidewalks?—A. One dollar and fifty cents when there was no opposition. Since there has been opposition, my bids have run down to 50 cents a yard.

Q. What is the quality of the sidewalk pavement for which you get 50 cents a yard?—A. It is 2 inches thick—just the same as the board of public works give \$1 40 for.

Q. You lay a 2-inch pavement for 50 cents a yard?—A. Yes.

Q. But you think that the pavement now being laid in front of the Executive Mansion can be laid at 75 cents a yard?—A. Yes, sir; and you would think so if you would go into my figures, and see what the materials cost.

By Mr. ROOSEVELT:

Q. What would be the cost of your style of laying a pavement properly on Pennsylvania avenue?—A. The estimate which I made before the wooden pavement was put there was that it would cost me \$1 a yard, 6 inches thick; and on that basis I gave Mr. Dawes a memorial to hand into Congress, prior to passing the act for paving Pennsylvania avenue, in which I offered to pave Pennsylvania avenue from the Capitol to the Treasury building at \$4 a yard, the same as the wooden pavement. I gave my work at the agricultural garden as a sample, and said that I would ask no money till the end of ten years, but take it in bonds and receive the coupons every year, undertaking to keep the pavement in good condition all the time.

Q. What interest did you expect?—A. Whatever is paid on United States bonds.

By Mr. CREBS:

Q. Are these broken stones mixed with coal-tar or pitch at all?—A. No, sir; they take the broken stone and roll it and sprinkle it with tar, just as you would sprinkle a room with a watering-pot.

Q. They did not pour on enough to fill the interstices?—A. No, sir.

By Mr. ROOSEVELT:

Q. You say you have examined the various pavements laid in the city?—A. I have examined them all. I had nothing else to do, for I could not get any contract.

Q. What kinds of pavement are they putting down in the city?—A. They are putting down the Schaff pavement and the Evans pavement, and all the different patent pavements which they could get through the country. I think there are ten different patented pavements being put down in the city.

Q. Wood and concrete?—A. If you include both wood and concrete, I think there are twelve or fifteen different kinds.

Q. Are any pavements being laid except wood and concrete?—A. Yes; some broken-stone pavement, which they call Belgian. There is some Seneca stone pavement of that sort.

Q. To any considerable extent?—A. No, sir.

Q. Where are they putting that?—A. I think they put some in Twelfth street.

Q. Do they put it in square blocks or macadamized?—A. In square blocks.

Q. Do you know of any other place where they are laying any other sort of Belgian pavement?—A. I think that is the only street I have seen it in.

Q. Are they laying any cobble-stone pavement?—A. No, sir.

By Mr. CREBS:

Q. Is not I street, between Seventeenth and Eighteenth, paved with square blocks of Seneca?—A. No; that is broken Seneca stone; the old system of pavement. This pavement on Twelfth street, if I understand it, is similar to what is called Belgian pavement.

By Mr. ROOSEVELT:

Q. Have you made any estimate as to the amount of pavement that is being put down throughout the city?—A. I cannot, from the fact that I do not know how far the contracts run on the different streets.

Q. Do you know anything about macadamizing?—A. I never did any of that work, but I can form a little idea of what the stone would cost for a macadamized street per square yard.

Q. Does your business enable you to state what would be the cost of macadamizing in this city or neighborhood?—A. It would not be a great deal more than laying a concrete pavement of the same depth.

Q. Would it be as much?—A. The concrete would certainly be a great deal more than the macadamizing.

Q. Can you state what the macadamizing would cost?—A. I will give you this idea of it. A yard of broken stone or gravel, 6 inches deep, will cost, in this city, from 25 to 30 cents. If you make it a foot deep, the cost will be just double.

Q. Does that include the labor of putting it down?—A. It includes the whole—the breaking of the stone, the laying it, and all.

Q. Have you examined the Seventh-street road?—A. I have rode over it.

Q. Have you examined the depth at which the pavement is put down?—A. No, sir.

Q. Can you give us any idea as to what the proper cost of that road should be, per square yard, or in any other way?—A. I cannot do so, for I do not know what distance they have to haul their stone, and a good deal of the expense lies in the distance which they have got to haul stone.

By Mr. ELDRIDGE:

Q. What is the value of a day's labor by an able-bodied laborer?—A. I used to pay my men from \$1 25 to \$1 50 a day. They went to work at \$1 25, and if they were good hands I raised their pay to \$1 50. I think that wages have been running recently from \$1 50 to \$2 a day.

Q. I understood you to say that broken stone fit for pavement is worth from 25 to 30 cents a yard, 6 inches deep?—A. Yes.

Q. What will it cost to get stone delivered on the streets in this city, unbroken, from the nearest place it can be got?—A. The stone which Mr. Brown is furnishing for the Seventh-street road costs him, broken and delivered, \$2 40 a perch. You may call a perch a cubic yard; there is not much difference.

Q. When you spoke of stone costing 25 or 30 cents a yard, had you reference to a perch of stone?—A. No, I had reference to a square yard 6 inches deep. A cubic yard will make 6 of them.

Q. Give us your figures with reference to the pavement which you proposed to lay on Pennsylvania avenue, like that which you laid in the agricultural grounds.—A. I have had a good many vessel-loads of gravel brought here. That gravel cost me \$1 50 per cubic yard delivered from the vessel on the wharf. A cubic yard will lay 6 yards of pavement. I generally mix it by the cargo. A cargo of 2,000 bushels will contain from 80 to 90 cubic yards. There are 22 bushels and a fraction in a cubic yard. For that cargo of gravel I will use 20 barrels of tar and 5 barrels of rosin.

Q. What will it cost to deliver the gravel on Pennsylvania avenue in front of the President's House from the wharf?—A. It will cost about 20 cents a load to haul it, and the loads will average about 16 bushels. To mix this 2,000 bushels of gravel ready for laying will take 20 barrels of tar and five barrels of rosin. The tar will cost \$1 50 a barrel; that is, coal-tar. If I did not use rosin, I would use pine tar, but the rosin answers the two purposes. The rosin averages about \$2 50 to \$3 a barrel.

Q. Go right on and make up the cost per yard of the pavement in front of the President's House made after your plan.—A. I have given you the materials; now I will give you the expense of mixing. I have had 2,000 bushels mixed in one day, with four men and a foreman. These four men get \$1 50 a day each, and the foreman gets \$3. That makes the cost of mixing \$9. It costs for the levelling of it, and the laying and rolling it, when you put it on a large street, probably in the neighborhood of 20 cents a yard. It costs 25 cents a square yard, 6 inches deep, for the gravel alone, without the tar.

Q. How many square yards, 6 inches deep, will 2,000 bushels make?—A. If you divide 2,000 by 22½, it will give you the cubic yards, and a cubic yard will make 6 yards of 6 inches deep.

Q. Tell us exactly what is the cost, according to your mode of laying it, of this pavement per superficial yard, 6 inches deep.—A. Seventy-five cents a yard at 6 inches deep, or 25 cents at 2 inches deep. The estimate which I gave Mr. Chipman for his cellar, at 50 cents a yard, would allow me one-half profit.

Q. Would that price of 75 cents a yard allow you a profit?—A. No, sir; that I estimate as the net cost of the work.

Q. State whether the pavement that is being laid down in front of the President's House would, in your judgment, cost more or less than that which you have described.—A. If I were laying that pavement, as it has been laid under existing circumstances, it would cost me more than if I were laying it for you or for anybody else who had the money ready to pay me when the work was done.

Q. Supposing that you were laying down that pavement of the kind that they are laying it there, and in the manner in which they are laying it, could it be done for less than 75

cents a yard, or would it cost more?—A. I could lay it the way they are laying it for less than 75 cents a yard, if I had the stone, as they have it, on the ground without paying for it.

Q. You mean to take the stone as they were piled up?—A. To take the stone as they did. It would cost me less than 75 cents. I could go to the river, buy the gravel, and pay for everything, and lay a better pavement, 6 inches of concrete instead of 2, and it would not cost me over 75 cents.

Q. But would the pavement which they are laying down in the manner in which they are laying it cost more or less than that?—A. The work that they have done would cost more, because they have been extravagant in labor. They put on all the men they could get, and did not get much work out of them. If I were going to do it myself, it would not cost me over 75 cents a yard, but it has cost them more money.

Q. In that estimate of 75 cents a yard do you include the grading?—A. I do not include any grading at all, because that is paid for extra.

By Mr. CREBS :

Q. How much grading was there to do on Pennsylvania avenue?—A. I do not think there was any. The railroad track lies where it did, and is on a level with the pavement.

By the CHAIRMAN :

Q. Does it include taking up the old pavement?—A. O, certainly. I would not want the Government to pay for taking it up. It would include taking up the old pavement, and I would be glad to do it at that price.

By Mr. ELDRIDGE :

Q. Have you noticed the improvements on the avenue that are now going on between Seventeenth and Eighteenth streets?—A. I have.

Q. Did they have to grade there?—A. There was a little grading done there, probably 1½ feet. I think the railroad track was altered there. There is only a small portion of the avenue that there has been any grading on.

Q. Would you have been willing to take that, with the grading as it has been done, at 75 cents a yard?—A. I would not.

By Mr. CHANDLER :

Q. Is your pavement patented?—A. It is ; I have taken out two patents.

Q. Did you ever bid for work for the board of public works?—A. I put in three bids.

Q. At what rates?—A. The lowest was \$2 25 a yard, and the highest was \$2 85.

Q. When did you bid?—A. At the time other people bid.

Q. At the time that the advertisement of 31st August, 1871, was out?—A. Yes, sir ; I put in three bids.

Mr. CHANDLER remarked that he would like at the proper time to put in evidence a list of those bids.

By Mr. ELDRIDGE :

Q. What thickness of pavement was your bid for?—A. Six inches of concrete—concrete to the bottom.

Mr. CHANDLER. I have here a list of all the bids for patent pavements, but I do not find Mr. Smith's name in it.

WITNESS. Look for the name of Mr. Stafford, for Four-and-a-half street work, and see if you do not find a bid at \$2 25.

By Mr. CHIPMAN :

Q. Is there any difference of opinion as to the value of these concrete pavements?—A. Everybody thinks his own the best.

Q. You think yours the best?—A. Certainly.

By Mr. ELDRIDGE :

Q. Has your pavement ever been tested for heavy streets?—A. It has been in the archway of the post-office here for four years, where every mail-wagon passes over it in a track of 7 feet wide, and that pavement is perfect to-day. That is a harder test than it would have in the city of New York.

Q. You think it would stand on Broadway, in New York?—A. Yes, sir, I do.

WASHINGTON, D. C., February 15, 1872.

CHARLES H. BLISS sworn and examined.

To Mr. GREEN. I am an engineer and surveyor. I have been living in Washington ten years, and was city surveyor two years. I am somewhat familiar with the streets and avenues of the city.

Question. Can you state approximately how much grading would be required on L street, from Second to Boundary street, northeast?—Answer. I cannot, for I have not examined it instrumentally. It would require accurate data for me to make the estimate.

Q. Can you state approximately how much grading was required on Q street, from Third to Boundary?—A. I cannot, for I have not been there during the last two years.

Mr. GREEN asked the committee that witness should be allowed to examine those streets, and to furnish an estimate of the grading required in them at a subsequent meeting of the committee.

The permission was given.

WASHINGTON, D. C., February 15, 1872.

BENJAMIN SEVERSON sworn and examined.

To Mr. GREEN. I am a mechanical and civil engineer. I reside in Seventh street, Washington City.

Question. Have you had occasion to examine the subject of the Washington canal?—Answer. Yes.

Q. State to the committee your views on the work done there.—A. If the committee will permit me, I would like to read a brief statement which will cover the main points, and then I will answer questions upon any point.

By the CHAIRMAN :

Q. Do you read that statement as under oath?—A. Yes, sir.

By Mr. CHIPMAN :

Q. Are you prepared to swear to everything in that statement?—A. Yes, I am prepared to stand by all of it.

The CHAIRMAN. Then read it.

WITNESS proceeded to read the paper, as follows :

“THE WASHINGTON CANAL.

“Among other things, it has been charged against the board of public works that its transactions have been kept secret. This charge is true, because they have refused to let us see contracts, and refused to give us desired information in relation to transactions believed to be fraudulent, wasteful, damaging, and bad in nearly every respect. I have myself asked to see the reported new or amended contract for dredging the Washington canal, which request was rudely refused by Mr. A. R. Shepherd. And, what is worse still, that now submitted by the board as copies of that and of other contracts are not full copies, nor are all the statements accompanying them true. Hence, while such information as we are entitled to has been withheld from us, the board now appears to have insulted Congress by submitting to one of its committees imperfect copies of contracts and false statements of their transactions. For instance :

“One of the suppressed parts of the specifications refers to drawings, and to marks on the canal walls and abutments, by which the width, form, and depth of the dredging shall be made to conform. That this part has been omitted for bad purposes becomes quite plain in view of the fact that the dredging accepted by the board as complete has *not* the depth thus indicated ; that most of it falls short of this depth to the extent of four or five feet, and that not any part of the canal has at any time had the depth required. These facts, taken in connection with other provisions of the contract—that no payment shall be made until one-fourth of a mile of the length of the canal shall have been finished—show that all the payments up to this time have been made in violation of the terms of the contract.

“But the sum paid and claimed appears to exceed the appropriation, which is a violation of both of the acts of Congress in relation to the work, in both of which acts it is expressly provided that under no circumstances shall the expenditures be allowed to exceed the sum appropriated.

“But, what is worse still, is the *sad* fact that the condition of the canal has not been improved ; on the contrary, it has been *greatly damaged*. Hence, very nearly all of the great sum expended upon it by the board has been wasted ; and the loss is as much greater than the sum expended as the canal has been damaged, which bids fair to amount to many millions in the end, if the board shall be allowed to go on in their present crude and ruinous course.

It is possible that some little good may have been accomplished by the partial dredging along the line of the James Creek branch, but even this is doubtful; it is certainly not authorized; for the act of Congress provides specifically that the branch may be opened *only* in case the canal proper shall be *opened*, and the sum appropriated shall be sufficient for both. But, as the canal has been *closed*, and as the expenditures exceed the appropriation, the work on the branch is *doubly* in violation of law.

"In view of the obvious fact that the copies and statements submitted are defective and untrue, and that they are known to contain other defects and errors not named, it is but fair to conclude that they may be equally defective on points not so positively known. Under these circumstances, the only sure way of coming at the whole truth appears to be to insist upon having full and true copies, and to have the work carefully examined by competent and reliable persons.

"In speaking of violations of the contract, I mean that for dredging the entire canal, which is dated November 26, 1870. That contract, bad as it obviously is, is believed to be the only one that has any semblance of legality. That, so far as it goes, was for carrying out the first part of the well-defined plan which Congress appears to have had in view when making and authorizing the appropriations, amounting to \$150,000, for improving the canal. It is that on which the estimate of \$150,000 was made, to which Congress has strictly limited the expenditures, though the commission was left free to adopt a better plan, if such an one could be found, and provided the cost should not exceed the appropriation.

"The plan for opening the entire length of the canal is, withal, the only one that has had the official sanction of the city, or which has been approved by any of the several committees and commissions that have reported on the question during the last six or seven years. It is *the one* for which the city councils appropriated the city's proportion of \$100,000, and *provided expressly* that no part of this sum should be used for any other purpose than for *carrying out this plan*. And it can be proved that the councils would not have made the appropriation for attempting to carry out anything like the crude, impractical, and preposterous schemes the board of public works has since been dabbling and blundering over, which even the board itself is now forced to admit to be a failure; in consequence of which they now propose another scheme, which is, in fact, even more preposterous than any of their past failures.

"It is hoped Congress may put a stop to all further proceedings of this kind, and hold the board to a rigid account.

"They have, without doubt, made themselves personally responsible in this matter, as they have openly violated every act of Congress and of the councils in the misapplication of the money appropriated, by which they have accomplished scarce any good, but have done very great damage. The proof in detail is at hand, easily attainable, and will be forthcoming as fast as the proper means may be used for bringing it out.

"BENJAMIN SEVERSON."

WASHINGTON, D. C., February 19, 1872.

BENJAMIN SEVERSON recalled.

By Mr. GREEN:

Question. State what you know in reference to the canal and the way in which work is done there.—Answer. I think the work in its present shape is unauthorized, and that the condition of the canal is very much worse than it has been. I consider that the money expended on it has been wasted. I do not consider that anything but bad consequences can result from it. I would advise coming right back to the same plan as before, and to carry that plan out. That is the one which has been indorsed substantially by General Meigs, General Humphreys, Mr. Patterson, and Dr. Hall. That plan has been well understood a good many years; I have advocated it and none other, and I advise coming back to it; starting anew and carrying it out. It would be ruinous to go on in the present way. That sewer on Missouri avenue is wholly inadequate. I have tried a long time to get from the board of public works a statement of what has been done there, and so far I have only had a glance at the list furnished, but from that glance I am satisfied that there are some very grave errors in the statement. But I cannot speak of that so much in detail as I may be able to do after I have made a thorough examination of the work.

By Mr. WILLIAMS:

Q. Does your written statement cover these matters?—A. No, sir; I am speaking now of the proposed sewer west of Missouri avenue. I think they propose to make it 67 feet large, while the present sewer on Missouri avenue is only 26 feet. There seems to be an awful discrepancy there; but neither one or the other would be sufficient.

By Mr. HARMER:

Q. Do you own property on the line of the canal?—A. No, sir; I have no private interests whatever there. I have been working a long time for what I believe to be the public good and for what I think to be good for the whole city. Considering the quantity of water which comes into the Tiber, I am satisfied that the sewer there is wholly inadequate. The Tiber arch has a sectional area of nearly 236 feet. Another error in their statement is, that they give that as only 226 feet, and inasmuch as they carry out the proportion the whole way through, the error must be very great. The Missouri avenue sewer has a sectional area of only 26 feet.

Q. Does this appear in your written statement?—A. It does not. In 1868 we had a sudden flood here of considerable magnitude, and there was a great amount of damage done at Ellicott's Mills and at Baltimore. In two and a half hours rain fell here to the depth of 2.8 inches. That flood raised the canal fully 6 feet higher than the level of the river was at the same time. At that time the water that came in flowed more westwardly than southwardly, yet, although the area of the Tiber arch is only 236 feet, this flood filled an area of 311 feet, extending out to C street. Assuming that considerable more of the water ran westwardly, which is the fact, then the Tiber arch, continued at the same size, would not have more than one-half sufficient capacity. The flood at that time was not so great here as it has been at other times, but it was great enough to show that the Tiber arch is not large enough by two-thirds.

By Mr. CHIPMAN:

Q. I understand that the Tiber sewer in 1868 conveyed the water into the canal directly, but that it now takes it off to the southeast, and that the Missouri-avenue sewer is not intended to receive any of the water of the Tiber sewer. Am I correct in that?—A. That is the way I understand it.

Q. Will not that fact relieve the Missouri-avenue sewer to some extent?—A. Yes; but it will receive two or three times as much water as its capacity will bear; consequently one half of it, at least, will come down to the Tiber. The western flow is closed now, and will be for a long time.

Q. Do you know whether or not the board of public works designs to relieve somewhat the flow of water into the Tiber by reason of the construction of sewers in other directions?—A. It is not done, and the flow may come to-morrow.

Q. Is there any such idea entertained by the board?—A. I understand that there has been such an idea entertained for twenty years. The plan of relieving the Tiber has been discussed for twenty years. The water can be carried off toward the Eastern Branch, and I think it ought to be.

Q. Do you know whether the board of public works contemplates doing that?

Mr. GREEN. General Green testified the other day that no general plan had been adopted.

WITNESS. That plan has been talked of for a long time, but it will cost a great deal more.

Q. The plan is practicable?—A. Certainly; but it will require a good deal of work.

By Mr. HARMER:

Q. When you say that the Missouri-avenue sewer is inadequate, do you mean that it is inadequate in time of flood, or for the general purpose of drainage?—A. It would be inadequate for a little freshet.

Q. Would it be adequate for the general drainage of the streets?—A. No, sir; not at all. Level sewers are impracticable at any time except you have the aid of pumps. In London they have taken great pains to give the sewers sufficient declivity so as to carry off the water. In no case have they allowed less than two-feet fall to the mile, except as to one sewer near the river, which is below the tide-level, and that they relieve by means of a large number of pumps, operated by eight engines of 142 horse-power each. That immense power, of course, keeps up the current; but even with all that advantage that is the most unhealthy part of London, and its unhealthiness is attributed to that level sewer.

By the CHAIRMAN:

Q. Do you advocate keeping the canal open for commercial purposes?—A. Certainly.

Q. Not only for drainage, but for commercial purposes?—A. For commercial purposes.

Q. How far up?—A. All the way up.

Q. Would you take out the dirt where the canal has been filled for years?—A. Yes, sir; I would dig it all out, even if it cost a million dollars.

Q. So that vessels could go up all the way?—A. Yes; just as Congress intended in the first place.

Q. How many years have you lived in Washington City?—A. I have been here a good deal during twenty years.

Q. How many vessels have you known, in the course of a year, during the last five years, to go up the canal?—A. I have seen fifteen at a time, two years ago, in the basin between Fourteenth and Seventeenth streets.

Q. What kind of vessels?—A. River barges, carrying wood and stone.

Q. How many have you known to go up as far as Seventh street?—A. The canal there has been obstructed for ten years so that vessels could not go up.

Q. When was it last dredged out?—A. Twenty or twenty-two years ago.

Q. Did you ever know any considerable number of vessels going up the canal from Seventeenth to Seventh street in twenty or thirty years?—A. I was living here very little so long ago, but I have had something to do with collecting revenue on the canal, and have had information from certain parties who have paid it.

Q. How many years have you been engaged in surveying the canal and making plans for improving it, either by the city or by the United States Government?—A. I commenced in 1866.

Q. Whom were you employed by?—A. By the city.

Q. Have you been at work on it ever since?—A. No, sir.

Q. Have you ever been employed by the United States Government to make a survey of it?—A. No, sir.

Q. What have you been paid since 1866 for your surveys and plans?—A. The amount which I received for my surveys of various kinds and as canal commissioner, &c., would be from \$2,000 to \$3,000.

Q. How many different plans did you make?—A. There has been no variation in the plan since the one made in 1868.

Q. And that plan was to keep the canal open for commercial purposes?—A. Yes.

Q. And you adhere to that plan to the present time?—A. Yes.

Q. To keep it open all the way up?—A. Yes.

By Mr. CHIPMAN:

Q. Your idea is to continue the canal to the Eastern Branch?—A. Certainly.

Q. How much accumulation is there in the canal from Fourteenth to Seventh streets?—A. I estimated it two years ago at $5\frac{1}{2}$ feet from Seventeenth to Fourteenth streets, 6 feet from Fourteenth to Tenth streets, 7 feet from Tenth to the angle east of it, and 7 feet to the next angle and to Sixth street, $6\frac{1}{2}$ feet from Sixth to Third streets, and $5\frac{1}{2}$ feet from Third street to Maryland avenue. That was before the filling. The width of the canal varies from 145 to 75 and 41 feet wide. It is 145 feet at the western terminus and 117 feet at the eastern terminus. The quantity required to be dredged out at that time was estimated, approximately, at 367,893 yards. The appropriation of \$150,000, which was made by Congress for opening the canal, was sufficient at that time. That was demonstrated by the bids received, the average of which was about \$118,000. That was for cleaning out the whole canal.

Q. Would the canal have to be rewalled?—A. To a considerable extent.

Q. Did you make any estimate of the cost of rewalling it?—A. The walls are not strong walls; but they have answered the purpose thus far, and would have answered a good while longer if proper care had been taken of them. The statement of General Michler as to the walls being undermined is an error. I called his attention to the danger to the walls by overloading. He could not see it; and then, to show that they were not undermined, the wall broke at the water-level, and they have since built up on that same foundation.

Q. Have not the walls for years past fallen over into the canal?—A. Occasionally, when they are overloaded by piling up wood and coal too near them.

Q. Is it your idea to have masted vessels come up the canal, or only low canal-boats?—A. My idea is that masted vessels should not come up in the city farther than west of Fourteenth street, and farther by the eastward than the first bridge. I think that draw-bridges are horrible things in a city; that was not contemplated in the plan. I would let all masted vessels come into the basins above and below, and let all the canal-boats pass through, so as to keep up water communication with the coal region by the Chesapeake and Ohio Canal.

Q. Can you form an approximate estimate of the cost of reopening the canal from Seventeenth street to the Eastern Branch, and making a good commercial channel of it?—A. It has been estimated at \$50,000, \$100,000, and \$150,000. My idea would be to repair the walls and make the property productive.

Q. Could that canal be reopened and made a first-class commercial canal of proper depth for \$1,000,000?—A. I would like to take a contract for half of that sum.

Q. You think that \$500,000 would do it?—A. Less than that.

Q. How much less?—A. I would say \$300,000; I can assure it being done for that. I would have the walls repaired on the same style as they are now, and then I would go to work leisurely, taking a section of 1,000 or 2,000 or 3,000 feet at a time, and build a new, substantial wall that would last for a long time.

Q. How much would that cost?—A. That would be an after consideration; it would not be required, perhaps, for a long time.

Q. Is it not a thing to be considered?—A. Not now; the first thing to be considered is to keep the canal open so as to protect us against the terrible danger of floods and pestilence.

By the CHAIRMAN:

Q. When was the filling of the canal commenced?—A. Last summer, I think. The

evening before the October rain I came along by the canal and found that the stench was more offensive than I ever knew it before. The neighborhood of the canal was reported to be very unhealthy at that time, whereas, in 1866 and 1867, when the canal was partially improved, the board of health declared the neighborhood of the canal the healthiest part of the city.

By Mr. CHIPMAN :

Q. Then you think that the canal in its former condition, with these noxious vapors from it, made its immediate neighborhood more healthy than other portions of the city?—A. I mean that the water which came into the canal did save the city from pestilence by absorbing the malaria arising from the sewers, whereas, if there had not been some flow of the water, the malaria would have been far more deadly.

Q. But if the canal be filled up there will be no such malaria?—A. Yes; the hot weather will bring it out.

Q. If the Missouri-avenue sewer were completed there would then be no drainage from the sewers into the bed of the canal, and where would the malaria come from?—A. It would come from that which is already deposited in the canal, and it will come largely from the Missouri-avenue sewer. Level sewers, according to my reading and experience, will not answer, unless you apply a pump to keep up the circulation of the water.

By Mr. CREBS :

Q. Do you know anything about that level sewer in Charleston, South Carolina?—A. There they have got a large flow of water from the tide which keeps the sewer clean; but that will not be the case here, because this sewer is longer and more contracted, and the flow of water will not be sufficient.

By Mr. ELDRIDGE :

Q. What is the rise and fall of the tide in Charleston?—A. Between 4 and 6 feet.

Q. What is it here?—A. Very nearly 3 feet on the average. I think the average is 2.95 feet, but we usually call it 3 feet.

Q. What is the size of that Missouri-avenue sewer?—A. Its sectional area is 26 feet.

Q. What is its depth?—A. Four feet six inches, I think; that is, from the bottom of the sewer to the top of the sewer. High tides will submerge that sewer.

Q. What height of tide will submerge it?—A. If the tide before it should fall to the bottom of the sewer, and the next tide should rise 4 feet 6 inches, then the sewer would be submerged.

Q. What number of feet must the tide rise in order to submerge the sewer?—A. I could only answer that question by knowing to what height the previous tide had fallen. I have seen the tide rise so high as to submerge that sewer.

Q. Were you here at the time of the flood in 1868?—A. I was. That was on the 24th of July, 1868.

Q. If the canal had been open for commercial purposes, as you propose to have it, would it have saved the lower portion of the city from being covered with water as it was?—A. The water would not have risen so high. I think it would have overflowed at the mouth of the Tiber at that time, as the banks were low.

Q. Was not a portion of Pennsylvania avenue covered with water?—A. Not at that time.

Q. Have you ever seen a portion of Pennsylvania avenue covered with water by a flood?—A. I have not.

Q. Do you not know that the cellars at the St. James Hotel were filled with water at that time?—A. I do not know the fact.

Q. Do you know the fact that the water flowed into the basements of the Metropolitan Hotel?—A. I made no particular inquiry about it, but I presume it may have done so.

Q. Would it be possible to drain this city so that a flood of the magnitude of that one would not flood portions of the city?—A. No, sir; not as it is now; but then the rise would be less and the damage less.

Q. No drainage that you could invent would prevent such a flood as that flooding a portion of the city?—A. No, sir. The water has risen higher than that at other times. The object is to have the water flow off as freely as possible.

Q. What did you say was the quantity of rain that fell at that time?—A. Two and eight-tenths inches in two and a half hours.

Q. And the flooding of the city was in consequence of the water not flowing out fast enough?—A. Yes, sir; from want of sufficient capacity in the canal. The Tiber rose 6 feet higher than the river because the water did not flow out fast enough.

Q. What capacity of drainage would be necessary so as to guard against a flood of that sort submerging the city?—A. If the banks of the canal had been raised to the level contemplated for the streets I do not think that the water would have risen over the banks.

Q. Would not the rising over the banks of the canal have prevented the flow of the water from the sewers of the streets into the canal?—A. Not necessarily. If the canal had been properly opened, of course the water would have flowed off more readily. If it had been

opened to its full depth and width, and if the walls had been raised to the proper height, I do not think it would have been overflowed at all.

Q. What other drainage would be necessary in ordinary floods to carry off the water?—

A. I would have the city drained into the canal. There is nothing better than a good drain with a sufficient declivity.

Q. Would not additional sewers be needed?—A. Yes.

Q. How many?—A. I do not know.

Q. Did you ever know the river to rise and the water to flow back through the canal into the cellars of the houses?—A. Yes; but that is from another cause.

Q. Was that the result of the flood?—A. Such floods come sometimes from the river similar to the one that we had a year ago on the 1st of October last. That was the highest one I ever knew here. That came from the northwest, from Virginia. It was on account of heavy rains.

Q. Have you ever known the water to be so high in the river by the natural flow of the tide as to fill the cellars?—A. Yes. My plan contemplated shutting out the river by the tide-gates at Seventeenth street. I would have an embankment to shut out the river flood, and in that embankment I would have tide-gates. The feasibility of that was demonstrated partially, but satisfactorily, in 1866. At that time the water in the canal rose 3.9 feet higher at the west end than at the east end. The height would be at Seventh street one-half of that 3.9 feet, and would not have caused any serious damage on the canal.

Q. Did you contemplate a gate at the mouth of the canal at Seventeenth street?—A. Certainly; it was contemplated to have tide-gates there.

Q. What was the object of them?—A. There were two objects; one was to allow the water to run in one direction instead of having the tide to come in at each end of the canal and back in the same way. The plan is to have water run through in only one direction. We will let in as much tide water as the canal will hold. The moment the tide begins to fall the gates close, and the tide must run the other way. In that way you get a complete current in one direction.

Q. Cannot that same operation be performed in a less degree with the Missouri avenue sewer?—A. That sewer has not capacity enough to hold hardly the ordinary amount of sewerage.

Q. What is the reason that upon a small scale the Missouri avenue sewer cannot, when the tide is in, be closed up with a gate, and the water let flow off suddenly when the tide is full?—A. Its capacity is not sufficient.

Q. Do you mean that the tide is not going to rise so as to flush the Missouri avenue sewer?—A. Oh, it will.

Q. Then why not gate the ends and let the water flow out? Why cannot the same operation be performed on a small scale on the Missouri avenue sewer as you proposed on the canal?—A. You would have to keep the other water away so as to permit the tide water to flow through, and there is not capacity enough in the sewer for that.

Q. Mr. Green told us that he would be able to keep that sewer clean by that operation. You think it cannot be done because the sewer is so small. Can it be flushed so as to clean it out?—A. The thing may be done to a small extent to be sure, but connected with all the other conditions involved, that would not do.

Q. What length of wall and what height of wall do you contemplate building in order to prevent the floods from the river?—A. Such a wall as is being laid down now.

Q. How much of it is necessary?—A. Between 1,000 and 1,400 feet, I believe.

Q. Where is that wall to be built?—A. The plan was to extend the wall that is already partially built, and which is an extension of Seventeenth street. That should be built four or five hundred feet further than the river and connected with the bank.

Q. Would there be no other chance for the flood from the river to flow in?—A. That would keep the flow so constantly eastward that the tide would not come in at all from the east. I have explained that carefully in print.

Q. Will this 1,200 or 1,400 feet of wall be all that will be necessary to be built in order to prevent the tides from flowing on the city?—A. That is to keep out the river floods. The tide-gates would permit the tides to flow into the canal just as high as the tide rises.

Q. Is there no other avenue by which the floods from the river can flow into the city?—A. No; I think the lower part of Seventeenth street might want to be raised a little for a short distance.

Q. Could not the flood flow in from the eastern direction?—A. I have stated that the tide could not come in from that direction on account of the tide operations from above; and the floods could only come in from the east, but could not rise as high by over three feet as they would if they came from the west.

Q. Would it be necessary to build any walls on the eastern side in order to keep floods out?—A. I do not think that that would be necessary at all. That last flood came wholly from the river, and was 3.9 feet higher at the upper end than it was at the lower end.

By Mr. CREBS:

Q. How does the river at the lowest tide compare with the bottom of the Missouri avenue sewer?—A. The bottom of the sewer is above the lowest tides.

Q. About how much?—A. I cannot tell exactly; probably nine inches or a foot.

Q. Take the river as you ordinarily find it; is the bottom of the sewer low enough as that there will be water in it from the river ordinarily?—A. O, certainly; all the mean tides will leave water in the bottom of the sewer.

Q. At the very highest tide, you say the whole sewer would be submerged?—A. Yes.

Q. As to this great flood in 1868, supposing the canal at that time had been closed up, and there had been only this Missouri avenue sewer, how long would it have taken the water to run off then?—A. I think the flood would have risen a great deal higher then. I have no doubt that it would have risen 2 or 3 or 4 feet higher.

Q. The canal was from 70 to 140 feet in width, and the water in it was 5 or 6 feet higher than the river?—A. Yes, at one time, but of course it ran off very rapidly.

Q. It ran off as fast as the capacity of the canal would carry it off?—A. Yes, sir.

Q. How long was the city submerged?—A. I cannot tell; the water ran off quickly.

Q. This Missouri avenue sewer, you say, is only 26 feet in area?—A. That is all.

Q. Then the probability is that the water which would have gone through it would have been very small?—A. Very trifling.

Q. How many sewers of that size would it have taken to carry off that water?—A. About twenty-three sewers of that size. The simplest way of draining the city is to open the canal. I have not the least doubt that if I had been permitted to go on in 1868 and finish the work, the city would have realized millions from it in the advance of property.

Q. If the canal is closed up all the way, and the Missouri avenue sewer is run parallel with it to Seventeenth street, of the same size as it is below, with all the sewers running down the side streets and emptying into it, can you state how much more area is there in that sewer than would be necessary to carry off the waste water and the filth at ordinary times?—A. With that sewer on a level, it would not carry off the water from the ordinary sewers, because part of its capacity would be taken up almost all the time by the tide, and a high tide will fill it.

Q. What would be the effect if there is not room enough in it to receive the flow from the lateral sewers?—A. The effect would be to back the water into those lateral sewers, and to fill the cellars of the houses within the level reached by them.

Q. Then, according to your opinion, if there were to be a high tide, without any rain at all, it would so nearly fill up that sewer as that there would be no place in it for the drainage of the city?—A. It would choke it.

By Mr. CHIPMAN:

Q. I understood you, in your answer to Mr. Eldridge, to speak of raising the wall of the canal; how much do you propose to raise it, say from Third to Seventh street?—A. I would be governed by the street grades. I would raise it to the proper grade of the street, and make it conform to it.

Q. It conforms now to the grade of the streets?—A. Oh, no. That tearing down of the wall ought to be stopped.

Q. That is a part of the plan for filling up?—A. I would stop that too. I see no authority for filling it up.

Q. I understood you to say that, in order to prevent this overflowing of the bank, you would have to raise the wall of the canal; how much would you raise it?—A. I cannot give you the exact height of it now. I mean that you must make the highest of the bank pretty nearly uniform, as it ought to be with all canals.

Q. You would change the present grade of Missouri avenue?—A. I think the grade should be raised somewhat at Third and Sixth streets.

Q. If you raise the walls of the canal, you must necessarily raise the grade of the street back?—A. I would not do that so as to make much grading back necessary, and not any more than will be required for other purposes. Third street, at the canal, is too low now, and wants raising.

Q. How much?—A. I cannot give the exact figures. It is high enough at Four-and-a-half street.

By Mr. WILLIAMS:

Q. Do I understand that the same theory which you now advocate in reference to the canal is the same as you have formerly advocated?—A. Yes, sir.

Q. What reason did the old city authorities have for not adopting your system at that time?—A. They did adopt it. They employed me to carry out the first part of that plan. In the first place it was passed by the board of councilmen; then it was referred to a board of military engineers, and they indorsed it, and the board of aldermen authorized me to go on and make that partial improvement.

Q. What did that cost?—A. A little less than the sum appropriated, which was \$75,000.

Q. Were you in the service of the city authorities under the old government when the new organization went into effect?—A. Yes.

Q. Were you an applicant for any position under the new city government?—A. No, sir.

By Mr. CHANDLER:

Q. What is your business?—A. Engineering.

opened to its full depth and width, and if the walls had been raised to the proper height, I do not think it would have been overflowed at all.

Q. What other drainage would be necessary in ordinary floods to carry off the water?—

A. I would have the city drained into the canal. There is nothing better than a good drain with a sufficient declivity.

Q. Would not additional sewers be needed?—A. Yes.

Q. How many?—A. I do not know.

Q. Did you ever know the river to rise and the water to flow back through the canal into the cellars of the houses?—A. Yes; but that is from another cause.

Q. Was that the result of the flood?—A. Such floods come sometimes from the river similar to the one that we had a year ago on the 1st of October last. That was the highest one I ever knew here. That came from the northwest, from Virginia. It was on account of heavy rains.

Q. Have you ever known the water to be so high in the river by the natural flow of the tide as to fill the cellars?—A. Yes. My plan contemplated shutting out the river by the tide-gates at Seventeenth street. I would have an embankment to shut out the river flood, and in that embankment I would have tide-gates. The feasibility of that was demonstrated partially, but satisfactorily, in 1866. At that time the water in the canal rose 3.9 feet higher at the west end than at the east end. The height would be at Seventh street one-half of that 3.9 feet, and would not have caused any serious damage on the canal.

Q. Did you contemplate a gate at the mouth of the canal at Seventeenth street?—A. Certainly; it was contemplated to have tide-gates there.

Q. What was the object of them?—A. There were two objects; one was to allow the water to run in one direction instead of having the tide to come in at each end of the canal and back in the same way. The plan is to have water run through in only one direction. We will let in as much tide water as the canal will hold. The moment the tide begins to fall the gates close, and the tide must run the other way. In that way you get a complete current in one direction.

Q. Cannot that same operation be performed in a less degree with the Missouri avenue sewer?—A. That sewer has not capacity enough to hold hardly the ordinary amount of sewerage.

Q. What is the reason that upon a small scale the Missouri avenue sewer cannot, when the tide is in, be closed up with a gate, and the water let flow off suddenly when the tide is full?—A. Its capacity is not sufficient.

Q. Do you mean that the tide is not going to rise so as to flush the Missouri avenue sewer?—A. Oh, it will.

Q. Then why not gate the ends and let the water flow out? Why cannot the same operation be performed on a small scale on the Missouri avenue sewer as you proposed on the canal?—A. You would have to keep the other water away so as to permit the tide water to flow through, and there is not capacity enough in the sewer for that.

Q. Mr. Green told us that he would be able to keep that sewer clean by that operation. You think it cannot be done because the sewer is so small. Can it be flushed so as to clean it out?—A. The thing may be done to a small extent to be sure, but connected with all the other conditions involved, that would not do.

Q. What length of wall and what height of wall do you contemplate building in order to prevent the floods from the river?—A. Such a wall as is being laid down now.

Q. How much of it is necessary?—A. Between 1,000 and 1,400 feet, I believe.

Q. Where is that wall to be built?—A. The plan was to extend the wall that is already partially built, and which is an extension of Seventeenth street. That should be built four or five hundred feet further than the river and connected with the bank.

Q. Would there be no other chance for the flood from the river to flow in?—A. That would keep the flow so constantly eastward that the tide would not come in at all from the east. I have explained that carefully in print.

Q. Will this 1,200 or 1,400 feet of wall be all that will be necessary to be built in order to prevent the tides from flowing on the city?—A. That is to keep out the river floods. The tide-gates would permit the tides to flow into the canal just as high as the tide rises.

Q. Is there no other avenue by which the floods from the river can flow into the city?—A. No; I think the lower part of Seventeenth street might want to be raised a little for a short distance.

Q. Could not the flood flow in from the eastern direction?—A. I have stated that the tide could not come in from that direction on account of the tide operations from above; and the floods could only come in from the east, but could not rise as high by over three feet as they would if they came from the west.

Q. Would it be necessary to build any walls on the eastern side in order to keep floods out?—A. I do not think that that would be necessary at all. That last flood came wholly from the river, and was 3.9 feet higher at the upper end than it was at the lower end.

By Mr. CREBS:

Q. How does the river at the lowest tide compare with the bottom of the Missouri avenue sewer?—A. The bottom of the sewer is above the lowest tides.

Q. About how much?—A. I cannot tell exactly; probably nine inches or a foot.

Q. Take the river as you ordinarily find it; is the bottom of the sewer low enough as that there will be water in it from the river ordinarily?—A. O, certainly; all the mean tides will leave water in the bottom of the sewer.

Q. At the very highest tide, you say the whole sewer would be submerged?—A. Yes.

Q. As to this great flood in 1868, supposing the canal at that time had been closed up, and there had been only this Missouri avenue sewer, how long would it have taken the water to run off then?—A. I think the flood would have risen a great deal higher then. I have no doubt that it would have risen 2 or 3 or 4 feet higher.

Q. The canal was from 70 to 140 feet in width, and the water in it was 5 or 6 feet higher than the river?—A. Yes, at one time, but of course it ran off very rapidly.

Q. It ran off as fast as the capacity of the canal would carry it off?—A. Yes, sir.

Q. How long was the city submerged?—A. I cannot tell; the water ran off quickly.

Q. This Missouri avenue sewer, you say, is only 26 feet in area?—A. That is all.

Q. Then the probability is that the water which would have gone through it would have been very small?—A. Very trifling.

Q. How many sewers of that size would it have taken to carry off that water?—A. About twenty-three sewers of that size. The simplest way of draining the city is to open the canal. I have not the least doubt that if I had been permitted to go on in 1868 and finish the work, the city would have realized millions from it in the advance of property.

Q. If the canal is closed up all the way, and the Missouri avenue sewer is run parallel with it to Seventeenth street, of the same size as it is below, with all the sewers running down the side streets and emptying into it, can you state how much more area is there in that sewer than would be necessary to carry off the waste water and the filth at ordinary times?—A. With that sewer on a level, it would not carry off the water from the ordinary sewers, because part of its capacity would be taken up almost all the time by the tide, and a high tide will fill it.

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Q. What reason did the old city authorities have for not adopting your system at that time?—A. They did adopt it. They employed me to carry out the first part of that plan. In the first place it was passed by the board of councilmen; then it was referred to a board of military engineers, and they indorsed it, and the board of aldermen authorized me to go on and make that partial improvement.

Q. What did that cost?—A. A little less than the sum appropriated, which was \$75,000.

Q. Were you in the service of the city authorities under the old government when the new organization went into effect?—A. Yes.

Q. Were you an applicant for any position under the new city government?—A. No, sir.

By Mr. CHANDLER:

Q. What is your business?—A. Engineering.

Q. You call yourself a civil engineer?—A. Yes.

Q. Have you any other business?—A. Yes; I am engaged in mechanical engineering, and in architectural too.

Q. Were you educated to your profession?—A. That depends upon what you mean by education. I got my education by practicing in some of the best establishments in Philadelphia, Baltimore, and New York.

Q. What is your age?—A. Sixty-three.

Q. Were you engaged in engineering when you were between twenty and thirty years of age?—A. Yes, sir. Thirty-six years ago I was put in charge of a large body of men and commenced the building of the city of Saginaw. I had charge of all the building operations there, and of several hundred men.

Q. What kind of work have you superintended in your life?—A. I have done that kind of building, and I have had charge also of the pattern department in founderies. When I came to this city I was superintendent of the Architectural Iron-Works in Philadelphia, and had full control of the establishment.

Q. What large engineering work have you ever done?—A. I have built bridges and beams at those places.

Q. Have you ever laid sewers?—A. I have not actually laid them with my own hands.

Q. Have you ever had charge and direction of laying sewers as an engineer?—A. Yes.

Q. Have you ever built canals or locks on canals?—A. I worked at the Erie Canal; I had considerable to do on that canal.

Q. What had you to do on the Erie Canal?—A. Repairing and overhauling and altering locks, lock-gates, valves, &c.

Q. Did you ever superintend the building of a lock and the laying the walls of a lock?—A. I have not had that to do.

Q. How long were you doing this work on the Erie Canal?—A. It was only at odd times. While I was engineer of a foundery, having charge of the castings, &c., I was sent from there to take charge of this work on the Erie Canal.

Q. Do I understand that you were the engineer of a foundery? Was that your designation at the Architectural Iron-Works?—A. They call it superintendent.

Q. Do large founderies have what they call engineers?—A. They generally have, I believe; they all ought to have.

Q. Do you ordinarily hear of an engineer attached to an iron foundery?—A. Certainly; there ought to be always.

Q. Is he usually called an engineer?—A. I was employed as superintendent because I had charge of various kinds of work—not only designing work, but superintending the work of others.

Q. Have you ever made patterns with your own hands?—A. I have.

Q. Were you brought up to make patterns?—A. I was not brought up to it, but I have learned to do it very well.

Q. When did you first come to this city?—A. I visited this city twenty-two years ago, in connection with some patent business; and while I was at the Architectural Iron-Works in New York, a friend of mine, Mr. Stephen Caldwell, of Philadelphia, was here in Washington, and happened to meet with Captain Meigs and Jefferson Davis. He informed me that they applied to him for a man of the greatest practical knowledge to raise the roofs on the Capitol, and I was brought here for that purpose. I was so employed by Captain Meigs.

Q. For how long?—A. About a year.

Q. Did you have charge of the work?—A. I had full charge of carrying on the work and putting up all this iron-work around here.

Q. After that, what did you do here?—A. I went to Baltimore, and engaged there in designing roofs, beams, girders, &c.

Q. Iron-work?—A. Yes.

Q. When was your attention first directed to this canal?—A. When I was informed that everybody else had failed and that the city was indicted for maintaining a nuisance, I gave some attention to it. That was in 1864. I then published a plan.

Q. You learned the history of the canal then?—A. Yes.

Q. When was this canal first opened?—A. It was chartered in 1802, I think.

Q. Was it a plan of the original plan of this city to have a canal through the city between Pennsylvania avenue and the Island for commercial purposes?—A. Partly for commercial purposes; but the drainage of the low ground and the improving of the low ground were an important consideration. Before the city existed there was a company from Maryland incorporated to build this canal. That was as early as 1795.

Q. Was not that at the time when it was expected that the Capital would become a large commercial city, and was it not mainly with the idea of a commercial purpose that the canal was originally started?—A. I suppose they expected it to be valuable for commercial purposes. The object was to have a canal and to have perfect drainage. Furthermore, some thirty or forty years ago Congress ordered the enlargement of the western part of the canal for the purpose of securing a more perfect outlet.

Q. You gave your attention to it about 1864?—A. Yes.

Q. Was the canal filling up at that time?—A. O, yes; all canals will fill up unless they are kept dredged.

Q. There was no use of it for commercial purposes?—A. There was more use for it then for commercial purposes than there is now, but not so much as there had been previously.

Q. In 1864 you first published a communication on the subject of the canal?—A. Yes.

Q. And you have given the subject your attention ever since?—A. Yes.

Q. Define more particularly your official relations to the canal since 1864.—A. I was in the first place appointed engineer, to carry out that improvement of securing a flow of water. That was in 1866. I was employed on the 17th of April.

Q. What were you paid for your services as engineer?—A. \$2,000 a year.

Q. Did you continue to be connected with the canal in some capacity after that time?—A. No, sir.

Q. How long were you disconnected with it?—A. Certainly two years.

Q. When were you next connected with it?—A. I was elected by the joint convention of the two city boards an engineer of the canal, and I was restored to the same place I had before.

Q. What was your salary at that time?—A. \$2,000.

Q. How long did you continue?—A. For the year. Then, in contemplation of this improvement going on, in consequence of my plan, which I presented to Congress, I took the position of canal commissioner, by the advice of my friends. That salary was only \$800, but I took that in preference to a better place, because the law made it the duty of the commissioner of the canal to superintend all the work upon it. If I had been allowed to take charge of the work the canal would have been in a different position from what it is now.

Q. How long did you draw the salary of \$800 a year as canal commissioner?—A. Something like two-thirds of a year.

Q. Then, after that, what was your connection with the canal?—A. None.

Q. When did your official connection with the canal cease?—A. When the board of public works took possession of it; or rather, I was legislated out of office by the last Congress.

Q. You were canal commissioner under Mayor Wallach?—A. No; I was engineer under Wallach. I was canal commissioner under Mayor Bowen, and I was canal commissioner part of Mayor Emery's time. I was not appointed until some months after Mayor Emery was elected.

Q. Did you feel aggrieved because you were legislated out of office?—A. I do not know that I was particularly aggrieved. The salary of \$800 was certainly not a very great inducement.

Q. Have you made complaint against the board of public works, and have you been hostile to it because you went out of office?—A. I have not been hostile to it, only I disapproved the wasting of money as they are doing.

Q. Setting aside the whole question of the propriety of what they are doing, have you no personal feeling against the board of public works because you have not been placed in charge of that canal work?—A. No, sir; I do not allow myself to indulge in hostility toward any human being.

Q. Has the board of public works done you a wrong?—A. I do not know that it has particularly.

Q. Have you ever said that you would have been glad to have acted as engineer or officer in charge of the canal, and to have carried out the plans of the board of public works?—A. No, sir; I certainly never said that.

Q. You never said that your hostility to the plan grew out of the fact that you were not employed?—A. Whatever hostility I have in the matter is on account of the damage that the board of public works is doing to the public.

Q. While you were in charge of the canal did you collect the rents along the line of the canal?—A. Yes, when I was canal commissioner.

Q. The city has been in the habit of collecting rents for old buildings, lumber-yards, sheds, &c., on the canal?—A. Yes.

Q. How large a revenue did the city receive from that source?—A. When I collected it it amounted to about \$1,000 a quarter.

Q. That amount you collected?—A. Yes.

Q. And you accounted for it to the city?—A. Yes.

Q. By what authority has the city collected those rents?—A. Some of the property was rented by the mayor, by Mayor Wallach, in the first place. The men to whom he rented it did not carry out the contract, and I dispossessed them, and I placed another man there with the understanding that he should hold that wharf subject to the wants of the city for carrying on improvements.

Q. Then the city assumed the right to lease this property and to collect rents?—A. Yes.

Q. The city has assumed to give possession to occupants and has collected rents from them?—A. I informed them that they were in possession, and while they remained there and paid the rents I did not disturb them.

Q. You collected rents from them?—A. Yes.

Q. Then you assumed to rent property along the line of the canal?—A. No.

Q. Who decided what men should occupy the property and what rent they should pay—A. I do not assume that we had a right to rent the property at all. These people occupied the ground as squatters, and while they paid I allowed them to remain there. I always acted in consultation with the mayor, and have done nothing contrary to his orders.

Q. Have you not given more attention to the canal than any other person in the city?—A. I have given it a great deal of attention.

Q. It has been the principal subject on your mind for the last eight years?—A. Pretty largely.

Q. And you are positive in most of your opinions in reference to the canal?—A. Good many of them.

Q. Tell me how long the high water in the flood of 1868 continued, to the inconvenience of the inhabitants; how long it was running off?—A. The rain continued two and a half hours, and the flood ran off very soon after. It flowed with such rapidity that it could not last long.

Q. How long did it flood those low grounds before it was carried off by the canal?—A. I cannot give the exact time.

Q. Did it flow off in two hours?—A. The extreme height probably did not continue over twenty minutes.

Q. How long was it before the inconvenience from that flood ceased?—A. That is more than I can say. It could not have been many hours.

Q. What was the condition of the western outlet of the canal at the time of that flood; did you have a bulk-head there?—A. The gates were open at that time.

Q. Did you have a bulk-head controlled by a gate?—A. Yes; but there is a good opening.

Q. Was not the opening of your gate just 23 feet 26 inches?—A. There was a tide-gate besides that.

Q. Your lower opening was 23 feet 6 inches?—A. Yes.

Q. Is not that narrower than the Tiber Creek sewer?—A. You mean the lock? Yes.

Q. I mean the way by which the water found access to the Potomac.—A. Yes.

Q. How wide were your tide-gates, as you call them?—A. They were originally only about 100 feet. I think there was a 100-foot opening at that time, taken altogether.

Q. Were those tide-gates open or closed at that flood?—A. The bulk-head was only built as high as high-tide, and when the flood rose above that of course it flowed over.

Q. Below high tide was there any opening at the upper end of the canal except an opening of 23 feet 6 inches?—A. Not below high tide.

Q. Did the water in that flood flow over that bulk-head?—A. Certainly.

Q. To what height?—A. To the height of 18 inches, with a fall of 4 or 5 feet on the outside.

Q. If your lock had not been there, and if the mouth of the canal had been all open, would not the water have flowed out more rapidly?—A. Probably it would somewhat more rapidly. Most of it would have gone westward.

Q. Did not your obstructions hold back the water in the canal?—A. Not above tide-level.

Q. As a matter of fact was not that work an obstacle to the water at that time?—A. Very little. The bottom of the lock I think is about 5 feet below the lowest tide-level.

Q. So that there was 5 feet of water held back by your lock which had no opening except an opening of 23 feet six inches?

WITNESS. You mix things up.

Mr. CHANDLER. Do you straighten them out. How much has been expended on the canal during your connection with it, up to the time the board of public works took control of it?—A. On that improvement there was less than \$50,000 expended, but there are always more or less expenses on the canal, keeping the bridges and streets in repair, &c. Every year there are some expenses of that kind. The amount of my expenditure was less than \$50,000.

Q. Have you used the revenue which you collected from rentals in keeping the canal in repair?—A. No; the revenue which I collected from the canal I paid into the bank, and took a certificate of deposit, which I invariably carried to the mayor's office. The settlement which I had the last day I was in office, I got permission to retain the balance of my salary out of the money in hand, and the remainder I deposited.

Q. During that time were you paying out money along the canal?—A. Not without special appropriations.

Q. And you think that all the expenditures you ever made in connection with the canal from 1864 has been \$50,000?—A. Less than \$50,000, while I was carrying on the improvement. While I was acting as canal commissioner, I made no expenditure except upon actual appropriations.

Witness was directed to prepare and hand to the committee all the expenditures on the canal up to the time when the board of public works took charge of it.

Adjourned.

WASHINGTON, D. C., February 20, 1872.

Mr. GREEN presented to the committee and put in evidence the following memorial in reference to the canal:

To the Board of Aldermen and Board of Common Council:

The subscribers, engaged in lumber, coal, wood, and other business on the canal, are of the opinion that if the canal shall be dredged and excavated thoroughly from end to end, of sufficient depth to accommodate the lumber, coal, wood, and general business, that it will not only meet a great sanitary want by cleaning out the mammoth sewer of the city, but that also by such improvement the canal property will be made to pay \$50,000 rent annually in place of \$8,000 as at present.

Daniel Smith.
Gray & Noyes.
J. C. Magruder.
Thos. J. Galt.
W. E. Brown.
John McClellan.
Wm. M. Ellis & Bro.

Willet & Redgrave.
Wm. McLean.
N. C. Draper.
John B. Ward.
Mohun & Sons.
W. H. Marlow.
Nathaniel B. Fugitt

SEPTEMBER 10, 1867.

WASHINGTON, D. C., February 20, 1872.

WILLIAM W. DEMAINE sworn and examined.

To Mr. GREEN:

I reside on Capitol Hill, at No. 110 Fourth street east. I have for some years practiced civil engineering, and for the rest of my life I have been engaged in teaching mathematics.

Question. Have you ever been surveyor of the city of Washington?—Answer. I have not been the principal surveyor. I have always acted in a subordinate capacity. I was with Mr. Ball, Mr. Hunt, and Mr. Bliss. I was the first person appointed assistant surveyor when that office was created. I served out the time as surveyor, but I was never the authorized regular surveyor of the city.

Q. Are you familiar with the streets of the city?—A. I have been familiar with the streets of the city for the last twenty-five years.

Q. Look at this paper, (handing a roll to the witness,) and state if you can identify it.—A. These are diagrams of the measurement of certain streets; the first is Fourth street east, the next is north I street, the next north L street, and the next is north Q street, and the next Eighth street west. These I measured last week.

Q. Can you state how many cubic yards of excavation, in grading, was done on L street north, between Second street east and the boundary?—A. The measurement which I made has reference only to the excavation. I took no notice further than the excavations. I did not measure the embankment at all. The exact amount I have stated in that paper. It is 17,178 cubic yards, which I have estimated at 16 cents per cubic yard, which I regard as a fair price for that kind of work, there being about nearly equal quantities of embankment and excavation there, so that the dirt would not have to be carried far. It would be otherwise if it was all one thing or the other; that is, all cutting or all filling, for then they would have to carry the dirt probably some considerable distance. The cost of 17,178 cubic yards, at 16 cents per cubic yard, would be \$2,748.48.

Q. State what the work was on Q street north, between Fifth street and the boundary line.—A. I found on measurement that there were 19,163 cubic yards, which I estimated at the same rate, 16 cents, and which amounts to \$3,066.08.

Q. What was the work on Eighth street west between C and D south and between F and H?—A. This work was divided into two sections. In the first place, there was one square which I had laid out three or four years ago; the sidewalk was paved; however, I have measured it all together. The quantity is 8,305 cubic yards, which, estimated at the same price, comes to \$1,328.80. The whole work is not yet completed. This street was cut at two different widths; some parts of it were cut nearly the whole width of the street; and in the rest of it there were the sidewalks and gutter taken off.

Q. What is the custom in making streets in this city?—A. It has been the custom heretofore, at least when I was connected with it, that the parties taking a contract could elect whether they supposed the excavation or the embankment would pay best; and they were only paid for one—either for the one or the other.

By Mr. CRANE:

Q. What was the request made to you when you were authorized to measure these streets?—A. I believe you were the gentleman who called upon me, and asked me to measure them. I am accustomed to be called upon in that way by contractors, so that I thought nothing strange of it; but, knowing from the papers that you were connected with this

inquiry, I supposed that it had some relation to it. However, from some remarks you made, I changed my idea, for you named some General Green, to whom my measurement would have to be submitted. But that had no effect upon me. I always go and measure correctly.

Q. Did I request you to measure the work just as you were in the habit of measuring work for contractors, and to give liberal allowance—as much as your conscience would allow you?—A. Yes; although I came as nearly correct as I could. I measured the excavation principally because, as a general thing, the excavation on these streets does measure more than the embankment; but I did not measure the embankment, and cannot be certain whether it did not measure more. In order to get a correct measurement of embankments, it is necessary to take a series of levels. Eighth street southwest, was all excavation.

Q. Were you the surveyor under Mr. Randolph Coyle, some twenty years ago, when he fixed the grade on F street, west of the War Department?—A. Yes, sir; I was generally employed at the time by Mr. Ball, but I have been out with Mr. Randolph Coyle, when the direction of Tiber Creek was changed; but it was only for that job. He did not employ me regularly.

Q. The grade of the street at that time, was that the standard grade established by Mr. Coyle?—A. It was the grade established at that time by Mr. Coyle.

By Mr. ELDRIDGE:

Q. Did you say that L street was all excavation?—A. No, sir; there was probably as much embankment as excavation, so that it was not necessary to haul the dirt any considerable distance.

Q. And you estimated the work at 16 cents per cubic yard. Can it be done for that?—A. I had reference to what it could be done for a year and half ago; I can see no reason why it could not be done at that rate at present.

Q. Is labor just as cheap now as it was then?—A. I am not exactly certain. I know that the work could have been done for that a year and a half ago.

Q. What was the surface of L street before the excavation commenced; was it paved or not?—A. That portion of it was not paved.

Q. Was any portion of it paved that you estimated?—A. None of it. It was just the regular surface of the earth as it was thrown up. The street had not been properly opened at all.

Q. Then it was the opening of a new street there?—A. Yes.

Q. Is that street generally occupied by buildings?—A. Near Second street there are a few buildings on it. There are not many houses along that street.

Q. Do you know who are the principal owners of those houses?—A. I do not.

Q. Do you know any of them?—A. I cannot call to mind at present the names of the owners.

Q. Are there gutters made on that street?—A. I do not recollect that there are.

Q. Describe how the street is made.—A. The banks are nearly perpendicular. The street has not been graveled, and is not cut very evenly. I do not suppose that it is cut exactly to the grade.

Q. Is it completed?—A. I presume that it is ready for graveling. There is no gravel at all upon it.

Q. Do you know whether or not the grading is completed?—A. I did not take the levels. I don't know anything about the grading, and did not make any inquiry. I was merely called upon to measure it.

Q. Was any one with you when you measured it?—A. No one but a colored boy, whom I had to take hold of the line. I measured with a rod the depth of the excavation. The measurement that I made was a tolerably close approximation. I do not profess that it was very accurate. In order to make it accurate, it would have been necessary to have had levels taken previous to the commencement of the work.

Q. In estimating for contractors, do you make the estimates before or after the grading is done?—A. When the board passed a law to have a street graded, the surveyor was usually called upon to give an estimate of the work.

Q. What is the ordinary time for making estimates for contractors? Is it before or after the work is done?—A. We are sent out to take levels and to drive stakes, and to make report of how many cubic yards of cutting or filling has to be done, and what the work will cost at certain rates. That has been the custom. It is always done before the grading is commenced.

Q. Can you make a fair estimate after the work is done?—A. No, sir; it may be a tolerably near approximation. When the work is done, we see nothing but the section.

Q. You can come pretty near to an approximation?—A. In some cases we can, and in some cases we cannot. In some places there may be a hill on one side of the street, and it may be pretty nearly level on the other side. So we have no means of knowing with any tolerable degree of accuracy how much the cutting has been. I have often found a filling of a foot or more on one side of the street, and a deep cut on the other side. Of course where the cutting terminated, and the filling commenced, I had no means of knowing except I made a previous survey.

Q. In making these measurements did you use levels?—A. No, sir; I had nothing further to do with it than to measure what I could see from the sections on the sides of the streets.

Q. You measured the length, width, and depth, as they appeared after the work was done?—A. That was the only way I had of doing it. In some of these streets I had taken levels some years ago, and had them in my notes, but I didn't refer to them on this occasion.

Q. You made the entry from what you were able to measure of the width, depth, and length as they appeared?—A. That was all.

Q. Did you make all these measurements and surveys, to which you have testified, in the same way as you did on L street?—A. Just the same.

Mr. GREEN stated that on L street, between Second street east and the boundary, the work done, according to witness' measurement, should have cost \$2,748 38, while the exhibit sent by the board of public works shows that it had cost \$15,005 05; that the work on Q street north should have cost \$3,066 08, and that the board of public works had paid for it \$12,705 07; that the work on Eighth street, between C and D and F and H, should have cost \$1,328 80, and that the board of public works had paid for it \$11,980 33, the total cost, according to witness' estimates, being \$7,143 36, and, according to the report of the board of public works, \$39,690 41, making a difference between what it did cost and what it should have cost of \$32,547 05.

Mr. HARMER, (to witness:)

Q. Do you consider the measurements as made by you entirely accurate?—A. I regard them as a very close approximation to the truth.

Q. If you were a contractor or a member of the board of public works, would you be willing to make a settlement on the measurement made by you?—A. I would. I am often employed by contractors to make measurements, and they are always satisfied with them.

By Mr. CREBS:

Q. You stated that you measured the length, the width, and the depth of the work as you found it?—A. Yes; and I had to exercise my judgment in regard to where the cutting commenced and the filling terminated.

Q. Would your estimates be more likely to be too great or too small?—A. Whenever there was any doubt on the subject, I gave the benefit of the doubt to the contractor. But, in that case, it would, of course, increase the quantity.

By Mr. HARMER:

Q. Do you know who is superintending this work on L street?—A. I do not; I never made any inquiry.

Mr GREEN stated that it would be shown that General Balloch is the superintendent of streets.

WASHINGTON, D C., February 20, 1872.

JOHN H. CRANE, one of the counsel for the memorialists, being sworn, made the following statement:

I would state to the committee that the next street north of L street (M street) was graded when I was commissioner of the ward. I drew up the contract for it. It was graded at 11 cents per yard. It ran from North Capitol street to Boundary—a much further distance than the work on L street, and with much deeper cuttings. The grading on L did not amount to near as much as on M. Fourth street east, which runs north and south, has been graded by contract since the board of public works came in. I had this work measured, in order to show the contrast. It was let out at 16 cents per cubic yard. The deepest cutting by this diagram is 16 feet; and it goes from that down to one foot, at Maryland avenue. On L street the deepest is 9½ feet, tapering off to 1½ feet, showing that there has been twice as much grading on Fourth as on L. The work on Fourth street, including the graveling, amounts to \$4,500. I have that from the contractor who did the work. It was given out by contract at 16 cents per yard. The entire work of grading and graveling cost \$4,500, while on L street, with not half the amount of grading, the grading alone amounts to \$1,505 01. There were five streets let in the Fourth ward at that time, at 11 cents a yard for grading. They were L, K, I, First street east, and G street north. Four of them were let out to one contractor, all at 11 cents a yard. The average price of grading streets, so far as I have known anything about corporation matters, has not been 15 cents per cubic yard; and to-day the grading of all the streets in Washington can be let out at 15 cents per yard. While I was an officer of the corporation, the contractors were obliged generally to sell their bills at a discount, sometimes as high as 20 per cent.; now they get cash.

WASHINGTON, D. C., *February 20, 1872.*

WILLIAM H. PHILIP sworn and examined.

By Mr. GREEN :

Question. State your residence and occupation.—Answer. I reside in Washington City. I am a lawyer.

Q. Have you seen that document before? (handing to witness a printed pamphlet, already in evidence, containing the opinions of General Meigs and others in reference to the Washington Canal.)—A. Yes; I have seen it in manuscript and also in print.

Q. With the exception of a few typographical errors, is it a true copy of the manuscript?—A. Yes, sir; I corrected the proof from the original manuscripts that I had. The original manuscripts are, however, on file in the board of public works.

Q. State whether these documents were laid before the board of public works, while you were present, and what occurred at that meeting.—A. I was present at the meeting of the board of public works. Some property-holders and citizens like myself had been informed that the board of public works was contemplating changes in the Washington Canal. We did not know what the changes were to be, and at a meeting at the Metropolitan Bank, early in June, informally, it was suggested that a committee be appointed, consisting of the cashier, Mr. Kelly, Mr. Todd, and myself, who were known to be rather large property-holders in different parts of the city, to obtain from the best engineers and most competent experts their opinions as to what ought to be done with the Washington City Canal. We prepared a circular letter, which is given in substance at the out-set of that pamphlet, and addressed it to those gentlemen whose names are printed there—General Meigs, General Humphreys, Captain Patterson, and Dr. Hall, and at the same time we wrote a communication to the board of public works, asking for a hearing by the board of the whole subject, which was very politely accorded to us. There were present at that hearing General Meigs, Dr. Hall, and the other gentlemen, who read their communications to the board at a full meeting. After the communications were read, a general and very interesting discussion occurred on the subject-matter of those communications. The matter was deliberately and carefully discussed, and then the communications were handed to Governor Cooke, with the exception of General Humphreys', and probably one other which had not arrived in time, and these were handed in by me on the following day and afterward filed in the archives. That is the way the communications came before the board of public works.

Q. State what was the remark made by Governor Cooke at the close of that discussion.—A. I will state generally that the one sole point on which all those gentlemen concurred (and there were one or two others present at the time, at the request of the committee, who gave their verbal evidence, and possibly another who gave his statement in writing, which we have not here) was, that the canal should be opened from Georgetown to the Eastern Branch by dredging, and should be kept open by the same process; that it was not simply a matter as to one plan out of several, but that, considering the particular problems connected with the question, it was indispensable to keep the canal open. After we had got entirely through with the papers and the discussion, Governor Cooke remarked that it was not only an argument but a demonstration, and that there was only one thing for the board to do, and that was to carry out the direct instructions of so many eminent engineers, all combining on one specific point. And we certainly left him with the most positive conviction that the board of public works would open the canal, and we were utterly astounded when we afterward found that it was to be closed up. I had no hesitation in stating that that was the result, because Governor Cooke had stated it so positively, and because the engineers all concurred in that opinion. Probably in no part of the country could there have been obtained a concurrence of opinion on a given question of so many eminent engineers. There was an entire unanimity on that point. They determined that it was the only thing to be done, and they gave their reasons as detailed in those papers.

By Mr. CHIPMAN :

Q. Do you know what arguments have been addressed to the board of public works, or to the governor, which induced them to change the judgment which they seemed to entertain at that time?—A. I do not, and I should be very happy to hear them.

Q. Have you any reason to suppose that they have corruptly changed that opinion?—A. O, no, sir, not at all; I have no knowledge whatever on that subject, and never had suspicion of that kind myself.

Q. You regard it simply as a change of opinion on their part?—A. Certainly.

By Mr. HARMER :

Q. An error of judgment?—A. Yes, sir; and in that matter I regard it as almost criminal, because it was criminal ignorance on a vital point relating to the health of the city. I mean criminal in the sense of it being very injudicious for them to interfere with a proposition on which so many engineers had combined, and which related to the sewerage, the drainage, the water-supply, and all the vital points of the city health. I do not use the word criminal in a corrupt sense; I impute no such motive at all to the board of public works.

By Mr. CHIPMAN :

Q. Was there on that occasion any discussion in reference to the improvement of the river front? Did that enter into the discussion?—A. There was some general reference to it, but nothing in detail. It did not form a specific part of the discussion. General Meigs alluded to it in a general way, and I think that other gentlemen alluded to it.

Q. Was the question of the commercial importance of opening the canal made a matter of discussion?—A. Generally. It came in as a feature, but not as a specially prominent one. I may say that it was not at all a prominent one, but it was a feature.

Q. Do you regard the commercial use of the canal as having any importance in the question?—A. Yes, I think it belongs to the case decidedly, because, as General Meigs very properly remarks, the canal, being opened at a very great expense, and being now here, it is not a question of building a new canal, but availing ourselves of a canal which has cost a large sum of money, and which is connected with the Chesapeake and Ohio Canal, which cost \$20,000,000, and through which coal can be brought into the very heart of the city, saving \$180,000 a year on that article alone. Of course it is important. And that is only a small part of its utility, because its being opened would diminish the cost of transportation from Georgetown.

Q. This canal question has been a bone of contention here for many years, has it not?—A. I do not know that it could be called a bone of contention. I think that always among intelligent men, so far as I know, and so far as my experience goes, there was but one opinion about the thing, and that was that the only thing to be done was to keep the canal open. Of course there was not energy enough in the old corporation of Washington to have it done.

Q. That involved, of course, dredging to a proper depth, and keeping the canal open?—A. It is the simplest thing in the world. It involved simply dredging to a proper depth, and keeping open by the same process. It could be done for less than \$100,000.

Q. Suppose we had a wall built from Easby's Point to Buzzard's Point, cutting off a large area of marsh, and improving the river front as a harbor with slips and all the conveniences of commerce, would not that dispense with the commercial importance of the canal?—A. Not at all.

Q. Would it not take the place of the canal, except as to the question of carting from Georgetown?—A. It would assist, of course, if we had the river front improved.

Q. That would supply us with a harbor for vessels?—A. To some extent; but on the question as to whether it would obviate the necessity of the canal, I say that, in my judgment, it would not.

Q. If we had our harbor improved as suggested, you would still favor keeping open the canal for commercial purposes?—A. Decidedly.

Q. I understand that there is a suggestion of that kind to improve the river front, with a view of supplying commercial facilities.—A. I am quite familiar with all those propositions. In fact, the gentleman most interested probably, and most able in that department—Captain Patterson, of the Coast Survey—is the gentleman who wrote one of these communications.

Q. Do you know whether any of the gentlemen who wrote the letters printed in that pamphlet have modified their opinions in reference to the other improvements of which they have spoken?—A. No, I may say positively, that in the case of General Meigs, for example, with whom I spoke recently, and in the case of Dr. Hall, and, I think, also, in the case of General Humphreys, they have not modified their opinions; on the contrary, they have expressed them with ten times more determination in the light of what has been done and of what is proposed to be done. I think you will find, if these gentlemen are summoned here, that what has been done has only confirmed them in their opinion, and that they are most anxious that the whole thing shall be undone simply for the good of the city.

Q. I believe you take the ground that no sewer running parallel with the canal will supply the accommodation for sewerage purposes that the canal does?—A. I not only take that ground, but I think it can be proven before any intelligent committee or jury that it cannot. I am not an expert myself.

Q. I suppose your conclusions are formed partly on that opinion; that nothing but the canal will answer the purpose?—A. Precisely; and nothing else will.

Q. If it can be demonstrated that a sewer will take the place of the canal, and omitting the commercial importance of the canal, would then your argument in favor of opening the canal be a good one? Would you then regard it as economical and best to be at the enormous expense of keeping open the canal?—A. Decidedly. I should think that in any event it is better to keep the canal open, having it as we have it. I have examined that question with considerable care, as far as any intelligent man who is not an engineer can do so, and I am entirely satisfied that no such demonstration can be made—that is to say, that a sewer alongside of the canal, or taking the place of the canal, cannot answer the questions surrounding this problem; it is peculiar and extraordinary, and relates not only to the sewerage and the drainage, but to those great floods which come down sometimes with terrific violence, and which I predict will tear down that Botanical Garden in two years unless that improvement is changed. I feel rather strongly on the subject, because I think there has been a great mistake made—not made intentionally or in a corrupt sense; but I think they have made a mistake on a vital question.

By Mr. CRANE:

Q. Have you read the law of Congress in relation to the cleaning out of the canal?—A. Yes.

Q. Does not that positively prohibit its being closed?—A. I think that the inference from that law would be that the canal should be kept open. I must confess that my clear presumption was gathered from the law, from the concurrent testimony of the scientific gentlemen, from the members of the board of public works, and especially from Governor Cooke, that the canal was to be kept open; and I may say that I was appalled when I discovered that it was to be closed up.

By Mr. CHIPMAN:

Q. Do you own property on the canal?—A. All along the line of it.

Q. You do not think that your judgment is affected by that fact?—A. Not in the least.

By Mr. HARMER:

Q. What is the character of the property that you own on the line of the canal; for what purposes is it used?—A. I am connected with that canal by inheritance, and I know all about it. I suppose I have more canal literature than any man in town. I have some property near the canal, between Seventeenth street and Georgetown, which, I believe, is now being elevated by the board of public works in some indefinite direction—I do not know how. I have also got some property in Center Market square.

Q. What is the character and use of that property?—A. It is applied to different uses. Some of it is used for wharfage; and I have warehouses near the canal, which have no reference, however, to the canal. The canal does not affect them one way or the other. The property which I have does not affect my judgment at all in that connection. What we want in this case, and what we proposed, was to have the best plan adopted in reference to the canal.

Q. I see it stated here that to keep the canal to its proper depth would cost about \$10,000 a year.—A. Something near that; although General Meigs thinks it can be done for less than that. That estimate, however, does not allow for the amount of sales of rights, sand, &c.

Q. Aside from the conversation, which you have referred to, with Governor Cooke, have you had any conversation with him at which he gave you any reason for the change of the plan?—A. No, sir; I have not. I have not seen the governor since, except at times and points where I had no chance for that sort of a conversation. I would have been very glad to have asked him the question. I saw General Meigs immediately on my return, having previously telegraphed to him to stop the matter if possible; and he informed me that, although a member of the advisory board, he not only had not been consulted in reference to the change, but had not even been informed of the change, and did not know it until he saw it in the newspapers and got my telegram, and that he himself was quite as much opposed to it as in the first instance. And such, I presume, is the case with all the other gentlemen.

By Mr. CRANE:

Q. Were you one of the canal commissioners appointed by Mayor Emery?—A. I was appointed by Mayor Emery while I was out of town, but I sent in my resignation.

By Mr. CHIPMAN:

Q. Do you think that a canal running through the heart of the city, bordering along a proposed park, is a fit thing in the capital of the nation? Do you not think that that question ought to be considered?—A. I think it a proper question to be considered.

Q. I should like to have your views upon it.—A. If it were an original question, where the drainage had not been fixed, and where there were other circumstances controlling it, I should not be in favor of a canal through Washington City; but this is a question which surrounds itself now with so many other questions—that is the drainage, the sewerage now leading into the canal; the fact also that it is not only a canal, but is the bed of a natural stream, (which is a very important consideration,) for the canal is simply the Tiber made straight, and consequently all the conditions which surround the filling up of a natural stream have to be taken into consideration in connection with the canal. So, those gentlemen have stated deliberately that, although the canal may be filled up, it is indispensable to clean it out in any event. This being the case, and so many difficulties surrounding the question, my idea has been that we need not make that canal necessarily a loathsome or unsightly object. What is to be done with it is simply what they do in Paris with the Seine, in London with the Thames, in Amsterdam with the canal—that is, make it an object of beauty. By filling that canal with running water, and removing from the banks the unsightly lumber and coal-yards, and planting it with trees on each side, and perhaps with a roadway and drive, it can be made an object of distinctive beauty—throwing graceful bridges over it. I do not regard it at all as a nuisance; it can be made an object of pleasure, as water always can be. There are parts of the canal which can be made of commercial importance. I confess that if there had not been a Tiber there, and if it were an original proposition, I would not be in favor of making a canal through Washington; but I regard it now being kept open as a matter of necessity, unless you make an enormous

outlay of money, which the city cannot afford. The fact that the level of the canal is the level of the Potomac makes a very serious problem. It is a question whether you can drain the city without carrying the sewers out in deep water, and it is an important question whether, if the sewers are laid, they will stand this heavy pressure. It has been known to rain here 7 or 8 inches in twenty-four hours, and, of course, you must find outlets and openings for such a flood. These engineers say they would require the canal to be 100 feet in width along its whole line, so as to make it perfectly safe.

Q. In your idea of the opening of the canal, you would never think of stopping the dredging until you had reached a depth so as to allow 4 or 5 feet of water constantly in the canal?—A. I would prefer 6 feet; I would prefer to have a deep canal, with plenty of water.

Q. Can you not secure sanitary results without that?—A. I am not prepared to say what the exact depth should be.

Q. It would not do to expose the surface?—A. O, not at all; not at any time. I think that by keeping a dredging-machine, to be owned by the board of public works, and keeping it in use whenever there was use for it, there would be no practical difficulty in solving the problem to the satisfaction of every intelligent man. That is the opinion of every scientific man that I have spoken to, except one or two gentlemen; but the vast mass of thorough engineers entirely concur in that view.

By Mr. CREBS:

Q. What do you think of the theory of building a dam at the head of the canal, to be supplied by Rock Creek, so as to have a large basin of fresh water to fill it with?—A. I think that is a part of the plan. I do not think there is any trouble in getting water into the canal. Rock Creek would be one way of doing it, and probably the operations of the tide could be used in that way. They could all be aids to the general result; but one thing I am entirely satisfied of, and that is, that the thing can be done; I mean that water can be kept in the canal to flow constantly through it.

Q. If there is a flow of water through it, what would be the effect on the health of the city in connection with the sewerage?—A. Decidedly beneficial.

Q. Have you seen this Missouri avenue sewer?—A. I may have seen it.

Q. It has been stated that its capacity is 26 feet. If the canal is closed up, will that level sewer answer for the sewerage of the city?—A. In my judgment it will not. In my judgment it will cost an enormous amount of money, and not be worth the brick that it is made of. General Meigs, in his report here, alludes to what is called a collecting-sewer, and refers to a point of time when the city shall have a certain number of inhabitants within this area, when he thinks a collecting-sewer, parallel to the canal, would be desirable. That, I think, might be very important, but his idea is to have outlets from that collecting-sewer running into the canal in various directions, so that when the water rises to a certain level it will flow into the open canal.

Q. Is the width of that canal necessary for the sewerage purposes of this city?—A. Yes, sir. I do not think it is wide enough, because it has been proved over and over again that our cellars, even as high as the south side of Pennsylvania avenue, have been flooded. I have property between Four-and-a-half street and Sixth street, and I know that the cellars on the whole line of the avenue have had as much as four or five feet of water in them, even as the canal has been, with all the drainage possible.

Q. If that canal were dredged out four or five feet deeper, and kept open, would the sewerage by it be better than it is now?—A. Decidedly so. I do not think there would be any trouble for the next twenty-five or thirty years. The water would be sufficient to deodorize entirely the sewerage-flow, and as far as any trouble from the sewerage is concerned at that point, we would not hear of any for forty years.

Q. Is your property increased or lessened in value by the closing of the canal?—A. I should say it was lessened in value. Persons who are occupying some of it have a different opinion, but I think all the property in the city is lessened in value.

Q. You spoke of the remark made by Governor Cooke; did you hear any expression of opinion, then or since, from any other member of the board of public works, in reference to closing the canal or keeping it open?—A. No, sir. I fancied that day that Mr. Mullett did not sympathize with the general harmonious feeling of the board in that connection, rather arising from his inattention, &c., but I heard no member of the board of public works that day signifying any other than the general impression.

Q. At the time the change was made, were you or any other member of the committee notified of the change?—A. No, sir. I was then at my place on the North River, in the summer. Taking the Star one evening, I discovered this sentence at the end of the column: "Ordered by the board of public works, That the canal between Third and Sixth streets shall be filled up, and that the contract be given to so and so." That was the only intimation I had, and you may imagine I was greatly surprised at it, knowing what I had known and believed. It was in August, and everybody that I could reach was away from the city; my friends were all in the country, and it was utterly impossible to do anything. When I got down here the thing was done. I saw General Meigs and General Humphreys immediately on my return. Both of them expressed a very decided opinion, and I may say

indignation, and we thought we would make an attempt to see the board of public works, and propose to have a re-hearing; but we abandoned that idea, and let it go, and so the thing stands now.

WASHINGTON, D. C., February 20, 1872.

THOMAS E. WAGGAMAN sworn and examined.

To Mr. GREEN :

I reside at 519 Seventh street. I am a real estate broker.

Question. Were you employed to sell the lots known as the skating-rink?—Answer. No, sir; I was not employed to sell it. I sold it through R. M. Hall. I was a part owner with thirty other gentlemen.

Q. Can you state the reason why you sold it?—A. Twentieth street was being graded through it; that was my only reason for selling, and I prevailed on the majority to sell on that account. We heard that Twenty-first street was to be carried through it. We expected we would have to pay \$2,000 or \$3,000 in assessments, and we thought it better to get rid of it.

By Mr. CREBS :

Q. To whom did you sell?—A. It was sold to R. M. Hall, and by him to Mr. Stanton. I called for the money several times, and Mr. Hall said he was waiting on Mr. Shepherd for the money, as also did Mr. Stanton.

By Mr. HARMER :

Q. Do you know what business transactions existed between Shepherd and Hall in connection with the purchase of the skating-rink?—A. No, sir.

Q. Did Mr. Hall present to you the idea that these streets would be opened, and that the property would be greatly injured, and that for that reason you should dispose of it?—A. O, no, sir.

Q. Did any member of the board of public works present a reason of that kind to you?—A. No, sir.

By Mr. CREBS :

Q. Has the street been run through?—A. The street has been run within 40 feet of the canal, through the entire park. The board of health notified us to fill the park up even with the street. Consequently, having to do that, and thinking of the paving and other expenses, we thought better to sell it.

By Mr. HARMER :

Q. Did you sell it at a less price in consequence of these streets going through it?—A. Certainly. We would not have sold it at all only for that.

Q. Did you realize a fair price for it?—A. We realized about a third what we paid for it.

Q. Are the lots on the line of those streets more valuable than if the streets had not gone through?—A. I do not think so. I do not think that it will sell for as much at auction. I put up a piece of ground on G street, between Eighteenth and Nineteenth, at auction lately, and it was sold for \$1,200, although it had cost \$1,800 a few years ago. The streets are filled up, but not opened; and we would have had to fill up the park even with the streets.

Mr. GREEN remarked that he had partially solved the inquiry as to how much money had been spent on F street and vicinity; and he submitted the following statement:

Amounts expended on F street and vicinity, as per statements of Messrs. Forsyth and Oertley, assistant engineers, board of public works :

Amounts given by Mr. Forsyth.....	\$18,724 95
Amounts given by Mr. Forsyth.....	36,149 10
Amounts given by Mr. Oertley.....	92,496 64
Amounts given by Mr. Oertley.....	83,277 00
Total.....	230,647 69

To this should be added, if it could be ascertained, the money value of the injury, inconvenience, and loss inflicted on the other property-owners in that vicinity.

Mr. CREBS. Do I understand you to say that that is the amount, exclusive of the special assessments on property?

Mr. GREEN. I believe that is the whole expenditure.

Mr. CHIPMAN. You do not get at your indirect damages.

Mr. GREEN. No, sir; there is no way of ascertaining that.

Mr. CRANE. We requested the governor to send us all the officers employed by the board of public works, and I am satisfied that the list furnished is not complete. I know of one,

and I think Mr. Starkweather knows him—Mr. A. H. Kinney, the deputy property clerk—who receives a salary of \$1,800 per annum, and whose name is not on the list. I desire, also, to call the attention of the committee to the following:

"1. In the summary statement made by George E. Baker, comptroller, of the annual salaries of officers and employes of the District of Columbia and of the old corporation, every possible expense against the old corporation is included, while that part of the expenses of the new government included in the amounts paid for salaries by the board of public works and board of health is omitted; also, the amounts paid by the General Government for the salaries of the governor, secretary, board of public works, and members of the council. The aggregate amount of salaries not included in the comptroller's statement will exceed \$150,000.

"2. In the statement of salaries submitted by the board of public works, only the heads of bureau are included. Over twenty clerks, receiving salaries ranging from one to two thousand dollars per year, are omitted. The following are a few of the names omitted, viz: A. H. Kinney, deputy property clerk, salary \$1,800 per year; Charles H. Peters, deputy to bureau of sewers, salary said to be \$2,500 per year; William B. Chase, clerk to bureau of sewers, salary said to be \$2,500 per year; ———— Murphy, clerk in contract bureau, salary not known; ———— Nuning, clerk in canal bureau; ————, clerk in paymaster's office; Dr. Wm. F. Wallace, general street inspector, salary \$1,500 per year; Joseph Fletcher, superintendent of contract work, salary \$3 per day."

The auditor to the board of public works, an officer unknown to the law, and who receives a salary of \$4,000 per year, being \$1,000 more than that of the governor and twice as much as that of the secretary, is allowed several clerks, all of which are omitted in the governor's answer to the request for a list of all the officers of the district government.

Mr. GREEN called for the production of the estimates and cost of the M street bridge, which were promised to be furnished.

Mr. GREEN put in evidence list of officers of the District government.

Mr. GREEN also put in evidence the following order of the board of public works, which he said had been published in all the District papers on 16th September last:

["Official."]

"Ordered by the board of public works of the District of Columbia, that on and after the 20th day of September, A. D. 1871, it shall be the duty of every owner or occupant of property to keep the gutters in front of the property owned or occupied by him or her, in all respects clean and free from grass, weeds, and other similar substances; and that the chief of the bureau of streets shall notify parties offending against this order to remove any and all such substances within five days after such notice, and if any person shall neglect or refuse to comply with such notice, he or she shall be fined \$10 per day for such neglect, to be recovered as other fines in the police court of the said district are recoverable.

"Ordered that this order be published once in each newspaper of the District."

Mr. GREEN also handed in the following statement from Benjamin Severson in explanation of his testimony:

WASHINGTON, February 20, 1872.

Committee of the House of Representatives, District of Columbia:

"On being questioned yesterday as to expenditures on the Washington Canal and on my salary, I was not prepared to answer as fully nor as exactly as I desired. I find on examining the books, that of the \$75,000 appropriation of 1866 only \$45,914 85 were expended on the canal, exclusive of my salary, which salary for some over one year amounted to \$2,410 24; total, \$48,325 09. During Mayor Bowen's administration I was elected engineer for one year, at \$2,000, during which time I failed to accomplish much good, on account of opposition on the part of the mayor. During Mayor Emery's administration, I received from the corporation for services as commissioner, \$1,077 72. I have not received \$500 from the canal commissioners, as represented in the report of the board of public work.

"Very respectfully,

"BENJ. SEVERSON."

WASHINGTON, D. C., February 20, 1872.

THOMAS GREEN sworn and examined.

To Mr. GREEN:

I reside on Seventeenth street, on the old Van Ness property, at the head of the canal. I have no occupation now except winding up my old business. I was a member of the bar in Virginia, but I have never qualified in this city.

Question. Have you given any attention to the subject of the canal?—Answer. Yes, sir. By a sort of accident I fell in with Mr. Severson, and he gave me a good deal of information about it which attracted my attention. I concur in almost all that Mr. Severson has stated to the committee in reference to the value of the property and the impracticability of getting along without an open canal. The sewer which is proposed to be made by the side of the canal would, I think, burst up in twenty places at any great sudden flow of water. I have been comparing notes with Judge Mason, who is a very eminent scientific man, and he remarked that gentlemen had not calculated for a flow of water through that sewer at the rate of four miles an hour. He said that it would require a height of 14 feet of water, which would burst open a sewer of double the strength. The basin which has been at the head of the canal was, I thought, of immense value as a place for vessels—something like the one in Baltimore, on Pratt street, where hundreds of vessels may be seen with their bows stretching over the walls. I went with Mr. Severson before a committee of the House of Representatives two years ago. He exhibited his plans, and the response of the committee was, “We certainly have no objection to that, except that it is too late to bring in a bill now.” That seemed to be the unanimous position. That plan was to keep open the canal as it was, to dig it out, to straighten it from Seventh street to the bridge across Maryland avenue, and to give to the city the ground which the Government would gain by making a straight line, instead of these various angles. The value of the ground gained would be equal, it was supposed, to the cost of straightening the canal. The subject was not acted on at that time. I have observed Mr. Severson’s course on this subject for many years. He came to this city an applicant for the position of examiner in the Patent Office. He brought the most remarkable testimonials I have almost ever read about any man—speaking of him as an engineer of unsurpassed ability, and as a man of savage honesty, (“savage honesty” is the expression used in one of those letters,) and as a man who could not be induced to participate in contracts of any description. All that I have seen of him confirms me in the opinion that he is a man of great scientific knowledge on the subject of any matter connected with irons or with walls. The statement which he has furnished here was very convincing to me, and I have yet never conversed deliberately with any man on the subject who had read Mr. Severson’s statement who did not concur with him; and yet his views are not being carried out. They have all agreed that it was necessary. When the proposition was before the committee to have the canal opened and dredged, Mr. Severson went about and got subscriptions of citizens requesting the common council to make the change after that plan. The effect of having tide-gates at Seventeenth street would be that at every tide the water in the canal would rise about 3 feet. The gates are then closed by self-action, and as the tide recedes, the gates being closed, the water has no other escape except by the eastern end of the canal, and thus an inclined plane is created, and the water necessarily passes out in that direction. In the meantime, before the tide rises again, the impetus given to the water by this inclined plane (although very slightly inclined, of course) is sufficient to keep any water from coming in at the other end. The thing has been tried. I investigated it myself as closely as I could. Mr. Severson and myself differed on that point for a moment. He thought that the water might come to an equipoise, but that it would not be entirely prevented from coming in. I thought, from the theory and the examination of the thing, that it would necessarily keep the water out. I thought that not only was the tide on the upper side equal to the tide below, but that there was an impetus given to a moving column of water, and that that impetus would resist the tide at the point of meeting, which is the lower end of the canal. When the work was finished temporarily, Mr. Severson went and examined it, and reported to me that I was right in saying that at no moment was the current stopped; it passed off gently. Thus was created a self-acting, continual current through the canal, from one end to the other, in addition to the momentum of the moving water flowing from Rock Creek. That flow of water from Rock Creek has since been stopped up. By being shut in by the gates of the canal, it had to go out also through the southern end. Thus we had what might be figuratively said to be a river through Washington City. I consider that river of almost infinite value to the city.

Q. Were you before the committee which reported the appropriation for the canal that was passed by Congress?—A. I do not think I was. Mr. Severson’s plan called for a specific sum—perhaps \$150,000—and the appropriation by Congress was for the precise amount which he estimated for.

Adjourned till to-morrow.

WASHINGTON, D. C., February 21, 1872.

JOSEPH C. CARROLL sworn and examined.

By Mr. GREEN:

Question. State your residence and occupation.—Answer. I reside 1107 Third street southeast. I am a butcher.

Q. Are you a member of the District legislature?—A. I am.

Q. Were you a member of the committee on the market?—A. I was.

Q. Did your committee make an investigation on that subject?—A. It made no investigation; it was merely to select the site.

Q. Did not your committee take some testimony in regard to that matter?—A. No, sir. We were simply committed to select a suitable site.

Q. Was there not another investigating committee appointed which took testimony?—A. Not from the two houses.

Q. Was there one from either house?—A. There may have been; there was.

Q. You were not on that committee?—A. I was not.

Q. I believe Mr. Gulick was on that committee?—A. No, sir; Mr. Gulick was on the committee to select sites.

Q. Do you know by which house that investigating committee was appointed?—A. By the council, the upper house.

Q. Can you give me the names of the committee?—A. J. W. Thompson, A. K. Browne, and John A. Gray.

Q. Did that committee make a report?—A. Not that I know of; it did not report to the house that I was a member of.

Q. Do you not know what the evidence is?—A. No, sir; I do not.

WASHINGTON, D. C., *February 21, 1872.*

WILLIAM B. TODD sworn and examined.

By Mr. GREEN:

Question. State your residence and occupation.—A. I reside at 224 C street. I have no particular occupation at present, except attending to my property.

Q. You are an old resident here?—A. I have been here forty-two years.

Q. State to the committee what you know in reference to the recent work on North Capitol street, done by direction of the board of public works.—A. In September last they ordered the street to be paved, the curbstone set, and the gutters paved in front of the property which I have there—about 400 feet frontage on the east side of North Capitol street. The work was done in the latter part of September, the gutters were paved with cobble-stone, and the center of it with North River blue-stone. In about ten days after this pavement was laid and the gutter paved, the contractor who was paving the carriage-way and parking North Capitol street, came along to that part of the street, and had this gutter all taken up, and another pavement put down of the same material as the carriage-way was paved, up to the curbstone. They sent me in a bill for about \$1,400—3½ cents a front foot, about ten days after the work was completed. There were two contractors, one for the carriage-way and one for the sidewalk. I asked the contractor for the sidewalk what all that meant, putting down two pavements in the course of ten days. He said that his contract called for a cobble-stone pavement in the gutter, and North River blue-stone in the center, and that he was bound to carry out his contract. I then went to the contractor for the carriage-way and parking, and asked him what he meant by taking up the old pavement and putting down a new one. He said he was only carrying out his contract with the board of public works; that his contract called for the same manner of paving the gutter as the carriage-way required. It was paved with blue-gneiss, I think they call it, a stone from the Potomac. I thought it a very unnecessary expense to have two pavements laid down in such a short period of time.

Q. Did you at any time see the two contractors at work at the same time, one laying down the work and the other tearing it up?—A. I did not see them tearing it up. I went out there after the first work was completed. It appeared to be a very good job. The contractor for the carriage-way was then within about one square of my property, going up to that point. I think he was at that time between K and L.

By Mr. POLAND:

Q. What length of pavement was laid in that way and taken up by the next man?—A. The frontage of that square is about 520 feet.

Q. I mean in all.—A. I think the other side of the street was also taken up and relaid. I do not know whether any other portion of the street was treated in that way, but I think it was.

By Mr. ELDRIDGE:

Q. Did you have to pay for both these pavements?—A. They sent me in a bill for the first; I have not received an assessment for the second one, which will be included in the parking and carriage-way assessment.

Q. Do you have to pay for both those pavements?—A. I shall resist it in a court of law.

Q. Do you know whether you will be called upon by the board to pay for the second pavement, or whether it was owing to some difference between these contractors?—A. I do not know; I suppose somebody will have to pay for it.

Q. Do you know whether there was any defect in the first pavement that required it to be taken up?—A. No, sir, I do not.

Q. Do you know the reason why this was done?—A. I do not.

Q. Have you seen any of the board of public works to find out?—No, sir; I was waiting to receive a bill for it: it has not been sent in yet, because the parking is not completed.

Q. Do you know whether there was any conflict as to the work which the two contractors were to do?—A. I do not.

Q. Was the first pavement defective in any way?—A. Not at all; it was a very good job of work, as far as my judgment goes.

Q. You never called the attention of any of the authorities to it, except of the contractors themselves?—No, sir; I had a conversation with the contractors about it.

By Mr. CRANE:

Q. Do you know whether the sewers, gas-pipes, and water-pipes are laid in North Capitol street?—A. I do not think that any pipes were laid before the pavement was put down, or since.

Q. Will not the pavement have to be taken up to put down these pipes?—A. Undoubtedly.

Q. Do you know of any other pavement having been taken up?—A. I think they are taking up the pavement near H street and laying down water-pipes. I saw some excavating in that vicinity the other day.

Q. You spoke of having received a bill for work; in what way was that made out—under the old law, or under the new one?—A. Under the old law.

Q. And the work was done since the board of public works has been in power?—A. Yes. The bill was \$1,400. Under the new law, it would have been one-third of that amount.

By Mr. CHANDLER:

Q. Was the work commenced under the old corporation?—A. No, sir; it was not commenced until September last.

Q. I did not understand you distinctly as to what was taken up.—A. The pavement of the entire gutter, up to the curbstone.

Q. Was the curbstone taken up and replaced?—A. No, sir.

Q. So that what was taken up was the cobble-stone gutter?—A. And the North River blue-stone center-piece.

Q. What was put down instead?—A. The blue-gneiss with which they were paving the carriage-way. They continued that pavement up to the curbstone.

Q. Is the carriage-way paved with blocks of stone?—A. Not regular blocks; it is paved with irregularly shaped pieces of blue-gneiss.

Q. Have you any idea of the cost of the change?—A. I have not.

Q. Of course the center-piece and the cobble-stone were available for use elsewhere?—A. I presume so.

Q. So that the extra expense was merely the laying down and taking up of about 500 feet?—A. Yes, on my side of the street, and I suppose the same distance on the other side.

By Mr. CRANE:

Q. Did not Mr. Mack, who has the contract, commence the work before the others?—A. He commenced at the south end of the street.

Q. Then it was known that the work would have to be paved with blue-stone before the other was put down?—A. I suppose so.

Q. Were you a member of the committee that was appointed to investigate the canal matter last spring?—A. Yes; I was present at that meeting.

Q. Do you recollect what was said there?—A. General Meigs, and Captain Patterson, of the Coast Survey, Dr. Hall, and several others, addressed the board on the subject of the improvement of the canal. I believe they were all in favor of the canal being dredged and kept open the whole length.

Q. Did the governor and the members of the board of public works coincide with their views?—A. I did not hear any member of the board except Governor Cooke make any remarks about the arguments of those gentlemen, but I remember that Governor Cooke stated that the arguments were perfectly satisfactory to him, and convinced him that the canal should be kept open and dredged, according to the original intention.

Q. You reside on Third street?—A. Yes.

Q. Do you know anything in reference to paving that is going on?—A. They are paving with wood from D street up to F, I believe.

Q. Did you notice the time they commenced tearing up that street?—A. No, I have no particular recollection of the time when it was commenced; it was pretty late in the season.

Q. How long has the street been in an impassable condition?—A. Pretty near three months, I think.

Q. There was no work done during that time?—A. Yes, I think there has been some work for a day or two, but not much. The street is impassable for carriages.

Q. State whether or not you object to the manner in which work is being done by the board of public works.—A. I think they have blundered a good deal in their improvements,

particularly in regard to grading the streets and altering the grade in many cases. I think that the filling up of the canal was a very great blunder, and one that will cost the city a good deal of money to get out of.

Q. Have you ever observed the grading going on in New York avenue, between Fifteenth and Ninth street?—A. I have noticed that that avenue is being paved.

Q. Have you noticed the change of the grade?—A. I have noticed that there is a change going on, but I never examined particularly into it.

Q. So far as you know, what was the average price paid for grading streets under the old city government?—A. I think that under the old government the price was from 15 to 18 cents a yard. The bids generally were from 15 to 20 cents. As low as 15 or 16 cents, I should think, was about the average price paid for grading.

By Mr. WILLIAMS:

A. What was the width of that gutter which you speak of as being taken up?—A. I think about 5 feet; I am not positive, however. It is a wide street, and I believe the gutter is rather wider than in other streets.

By Mr. CHIPMAN:

Q. Would you prefer to return to the other form of government that we had here?—A. I should very much. I think that there has been a very great mistake made in the way things have been carried on under this administration. We are going to be inundated with a debt, which I think the people will never be able to extricate themselves from.

Q. Do you think that work costs more now than it used to?—A. I do.

Q. How is it with pavements?—A. This pavement which they charge me with was about \$3 a front foot. The general average before was about \$3 50.

Q. How is it with the wooden pavements?—A. I think about the same.

Q. Do you know what the wooden pavement on Pennsylvania avenue cost?—A. I do not recollect now.

Q. You spoke of work costing more under the present administration than it used to?—A. I understand that they have determined to pay 30 cents a yard for grading, which is double the price formerly paid.

Q. Do you know that they pay 30 cents a yard for all grading?—A. I do not know, but I so understand.

Q. From what sources did you get your information?—A. I had it from several contractors that the board had agreed to raise the price from 20 cents to 30 cents for all grading.

Q. You do not know whether that is true?—A. Only from what I heard from contractors.

Q. You do not know the comparative price of wooden pavement?—A. I do not.

Q. Do you know anything of the price of concrete pavement?—A. I think the price is about \$3 20.

Q. What used it to cost?—A. We never had much done here before. There was a small piece of concrete pavement in front of the Arlington House which cost more than that; but I understand that it is of superior kind to what they are laying down now; I am told so by Mr. Corcoran and other gentlemen interested in property there.

Q. Have you seen the pavement in front of the President's House?—A. I have seen it.

Q. Is that the same patent?—A. I do not know; it does not look to be as good as the pavement in front of the Arlington.

Q. Was it unusual, under the old corporation, to take up the pavement of streets in order to lay sewers or gas-pipes?—A. They had to do it, of course; but we had not a great many streets paved under the old order of things.

Q. Is that one of the reasons why you prefer the old to the new?—A. No; I am in favor of improvements, but not of reckless extravagance.

Q. Do you know whether the board of public works, in making improvements, designed to have all the sewers, and the gas-pipes, and water-pipes laid before the pavement was laid, so that the pavement would not have to be disturbed afterward?—A. I understand that that was the design.

Q. Do you think that an improvement on the old plan?—A. I think that that was the system pursued before. When a pavement was to be laid, I think the sewers were laid down beforehand.

Q. And all the lateral pipes?—A. I think so.

Q. Through vacant and all other lots?—A. I think that was the order before.

Q. You think you cannot be mistaken about that?—A. I am not positive about it; I believe that I have laid connecting pipes myself when pavements were about to be made.

Q. Were you required to do it, or was it by your own choice?—A. I was notified by the commissioners to have them laid.

Q. Then you think there was no change in that particular?—A. I believe that it is more universal now to order the connecting pipes to be laid.

By Mr. ROOSEVELT:

Q. Do I understand you to say that 15 cents a yard was a fair price to pay for grading last fall?—A. I should think it was.

Q. Without regard to the depth to which the grading goes?—A. Yes, sir; 15 cents per cubic yard.

Q. Is there any difference in expense between grading a short distance and grading a long distance?—A. I should think there would be. If one portion of the street required a good deal of cutting, and the other part required filling, I should think the contractor could afford to do it cheaper, because he could dispose of the surplus dirt more readily.

Q. I mean simply in cutting. Is there a greater expense in cutting the first two feet than in cutting afterward?—A. I should think not.

Q. It has been testified that the rates established by the board are 40 cents a foot for the first two feet, and 20 cents for all below that; do you think that a reasonable or unreasonable rate of charge?—A. I should think it was a very high price, to make that difference.

Q. Where the streets were graveled, would that make a difference in the expense?—A. I should think it might, on account of the picking up of the old graveled bed.

Q. Would it make so great a difference as double the cost?—A. I do not know but it would if it was an old street that had been gravelled and hardened down.

Q. Then would you consider that a reasonable charge?—A. For that kind of work perhaps it might be. It would depend, in a great measure, however, upon the difficulty of picking up the old work.

By Mr. CHIPMAN:

Q. You speak of the people being burdened with taxation for these new improvements. Explain in what way the burdens are bearing on the people, and in what particular taxation is greater now than it ever has been.—A. The prospect of an enormous debt, and of the interest upon it, is one item. I am speaking of the future, of the debt which they are piling on us now, and of the extravagant work which they have laid out.

By Mr. ROOSEVELT:

Q. What is the rate of taxation now?—A. The taxation in 1871 was \$1 70 on the hundred dollars.

By Mr. CHIPMAN:

Q. What was it the year before?—A. One dollar and eighty cents; with the discount off, which made it about \$1 70.

Q. Then it is about the same now?—A. Yes.

Q. With discount off for prompt payment?—A. Yes.

By Mr. CRANE:

Q. Did not that include all improvements?—A. It did not include special taxation; it included for grading.

By Mr. CHIPMAN:

Q. You paid the same rate under the old government that you pay now?—A. Yes.

Q. Did you not have to pay the entire cost of special improvements?—A. We had to pay for special improvements, pavements, sewers, &c.

Q. You paid the entire cost then; what do you pay now?—A. One-third of the cost is the law.

Q. Then, is it not better for you than the old system?—A. Yes; but we have to pay interest on these loans.

Q. Do you recollect what used to be the tax for the ward fund?—A. I do not recollect how that was.

Q. It was about a half a million dollars?—A. Something about that.

Q. That is dispensed with now, is it not?—A. Yes, but the money which was appropriated for the ward fund was used in opening and grading the streets, and the property-holders were not assessed. Now we have to pay one-third of the cost of grading.

Q. And the four-million loan goes toward general improvements?—A. I believe so.

Q. Do you not get the use of that four millions for a hundred thousand dollars less per annum than you used to have to pay in the shape of a ward fund, which was \$500,000?—A. We have got these four millions to pay. Our expenses come out of the current tax, and they are piling up this debt for the future.

Q. That 10 per cent. includes the sinking-fund, does it not?—A. I believe so. I think that from the way we are going on, we shall have a very heavy debt, more than a city of this size and wealth can bear.

By Mr. ROOSEVELT:

Q. Have you paid any taxes at all under this new board of public works?—A. No.

Q. Then you don't know what the rate of taxation will be?—A. No.

Q. I saw a statement in the Patriot, giving the rate of taxation at \$3 60. Do you know anything about that?—A. No; I have not examined that.

By Mr. CHIPMAN:

Q. The present administration fixed the rate of taxation for 1871, did it not?—A. Yes; that is, \$1 70 for the year 1871.

By Mr. ROOSEVELT :

Q. At what season of the year are taxes paid here ?—A. In the fall.

Q. What tax did you pay last fall, for what year ?—A. For 1871 ; and that was \$1 70 on the hundred dollars.

Q. Do you say that the rate for the coming year has to be fixed yet ?—A. It has to be fixed by the legislature.

Q. You do not know whether the legislature has fixed it or not ?—A. I do not.

By Mr. CHANDLER :

Q. You were one of the injunctionists, were you ?—A. Yes.

Q. And your opinions are very firmly fixed, are they not, with reference to the inexpediency of the four-million loan, and the present system of improvements ?—A. Yes.

Q. Are you a large property-owner here ?—A. I have considerable property.

Q. Is it in different sections of the city ?—A. Yes.

Q. Give some idea as to the value of your property now, as compared with its value before the war, during the war, and since the war, within the last year or two.—A. The property during the war was considered almost valueless ; of course there is a very great change now. Immediately after the war the value began to improve.

Q. Has it increased largely within the last year ?—A. No, sir ; I think not.

Q. Do you not hold your property at higher prices now than you did a year ago ?—A. No, sir, I think not. There may have been some localities, as in the neighborhood of the Arlington House, where property has advanced more.

Q. Have you made a sale of property within the last two years ?—A. Yes.

Q. Is it your disposition to sell your property, or to hold it ?—A. I am very anxious to sell everything I have.

Q. Are you making sales ?—A. I am, occasionally.

Q. Do you make sales for higher prices now than you ever had an opportunity to do before ?—A. Not much higher ; in many cases not so high. I do not think there has been much variation for the last three years. It is not so easy to sell property now as it was three years ago.

Q. Did you make many sales three years ago ?—A. A good many.

Q. Of lots for houses ?—A. Yes.

Q. Has the demand for house-lots been supplied ?—A. There has been a good deal of property put upon the market during the last two or three years ; a good many houses have been built.

Q. And, on the whole, you think that the price of property is not so high as it was three years ago ?—A. No, except in some particular localities in the west end of the city, where it has been improved.

Q. You are not prepared to make any sacrifice on any of your property ; you are not selling any of it at a sacrifice ?—A. I do not feel disposed to make any great sacrifice ; I am willing to hold on and do the best I can.

Q. You are getting full prices for what land you sell ?—A. I am not getting any more than I got two years ago.

Q. The sales that you make, are they made at full prices ?—A. The prices have been satisfactory to me, or I should not have sold.

Q. Are you familiar with earth-excavations, and their prices ?—A. No. I have never had much done, except in the way of excavating cellars for buildings.

Q. That is all the excavations you have had ?—A. That is all.

Q. Does or does not the price depend upon the use made of the earth hauled out, and upon the length of the haul ?—A. Yes, in a great measure. They charge more for excavating cellars than they do for excavating the streets.

Q. And the price for excavating the streets would depend somewhat on the length of the haul, and whether the earth is used in embankments or hauled away ?—A. Yes, I suppose it would.

Q. So that the price for excavation depends not only on the hardness of the material but upon the length of the haul ?—A. Of course.

By Mr. CHIPMAN :

Q. Are you familiar with the value of our securities here ?—A. Yes, sir.

Q. You know something of the indebtedness of the old city ?—A. Yes, sir.

Q. What has been the effect of the new government upon the credit of the city ? Has it depressed the credit of the city ?—A. I think the securities remain about the same as the old debt.

Q. Do you know what the new debt was negotiated at ?—A. I understood that it brought nearly par.

Q. What was the value of the old securities ?—A. The old registered stock, six per cents., was selling at 85. The interest on the new loan is payable in gold, but the other was payable in currency.

By Mr. CHANDLER :

Q. What is the lowest rate that you have ever known the securities of the old corporation to sell at ?—A. During the war I have known them to go as low as 79.

Q. Did you know any five per cent. bonds to sell at 50 cents on the dollar?—A. No; I have bought the old five per cents., I think, as low as 65. There was only a very small amount of them here, about fifty or sixty thousand dollars. They were not much known in the market.

By Mr. CHIPMAN:

Q. Is the credit of the District better or worse than the credit of the old corporation of Washington City used to be?—A. These bonds have sold at a higher rate than before. Before the war our old registered stock was up to 104 or 105.

Q. Do you think there is any large gain in paying cash for work over the former plan of issuing certificates, and having them discounted and hawked about the streets?—A. Undoubtedly. Cash is always better than credit for workmen. The city ought to get its work done a good deal cheaper now than it ever did before, if it continues to pay cash for the work.

By Mr. ROOSEVELT:

Q. Do you know where that loan of the new board of works was sold? Was it in France?—A. I understood so, and in London.

Q. Do you know that it was represented there as a loan authorized by the United States Government?—A. I heard it so stated; I do not know the fact myself.

Q. Have you seen the advertisements of the loan?—A. I have not. I have understood some things about them, but that is not evidence.

Q. You have not heard any of the board of public works say anything about it.—A. No, sir.

By Mr. CRANE:

Q. Would not the reputed wealth of Jay Cooke & Co., and the fact that they had a house in London, and that a member of that firm was governor of this District, naturally aid in the sale of those bonds, all other considerations being left out?—A. I dare say it would.

By Mr. CREBS:

Q. You have said that under the old administration, usually, when they went to work to lay a street or a side-walk, the pipes were laid down first. How do I understand you about this work on North Capitol street? Do I understand you to say that the pipes were not put down?—A. They have not been put down.

Q. Is it necessary that the pipes should be put down?—A. Certainly.

Q. In order to do that will that pavement have to be taken up?—A. It will have to be taken up at a great expense; and I hardly ever saw an old pavement put down as good as it was at first.

By Mr. ELDRIDGE:

Q. Who lays these cross-pipes and the connecting-pipes?—A. They were laid by order of the board of public works.

Q. At whose expense, and for whose benefit?—A. At the expense and for the benefit of the lot-holders. The board orders them to lay service-pipes for gas and water, and also the connecting-link between the sewer and the lot; so that whenever the lot is built upon, the connection can be made without ripping up the street.

Q. In reference to North Capitol street, was any order made in reference to the cross-pipes?—A. None that I know of.

Q. Did you lay any on your property?—A. No; I had no notice of it. I was out of town when the pavement was commenced.

Q. You do not know whether any order of that kind was given?—A. No, sir.

Q. Do you know whether any persons on that street did lay down their cross-pipes?—A. I did not see any. There was no sewer nor anything to indicate that there was going to be a sewer. The sewer should have been laid down before the carriage-way was made.

Q. What is the drainage of that street?—A. It drains into the Tiber by surface-gutters; there is no under-drainage.

Q. When the order is given by the city authorities for the laying of these cross-pipes, and the order is not obeyed, what is the penalty?—A. I believe that the board of public works is authorized to lay them, and assess the cost to the property.

Q. Has that been the custom?—A. I think it has been.

By Mr. WILLIAMS:

Q. Is not this the custom here? For instance, where the water company attempts to lay pipes, has it not to replace the pavement itself, and also the gas company?—A. I believe it is their duty to do so.

By Mr. CRANE:

Q. Is not the water board under the board of public works?—A. It is now, under the present order of things.

By Mr. CHIPMAN:

Q. What length of pavement was laid on North Capitol street, of which you have been

speaking?—A. It was from the Capitol out to the boundary, I think. The sidewalk on both sides of the carriage-way, I think, and the parking, has been completed as far as M street or New York avenue. That, I suppose, is about a mile.

Q. What length has the carriage-way been paved?—A. As far as M street, nearly a mile.

By Mr. CRANE:

Q. Do you know whether there is a sewer in that first square, on North Capitol street?—A. I do not think there is.

Q. Do you recollect seeing anything of the kind in the papers, where the attention of the board was called to that fact, before they did the work on the upper end?—A. Yes; I saw some articles in the papers, suggesting the propriety of laying the sewers.

Q. And the board of public works disregarded the suggestion, and went on doing the work?—A. The sewers were not laid.

By Mr. GREEN:

Q. You speak of this North Capitol street having been paved and parked for nearly a mile. State to the committee how it is paved and parked. Describe the character of the work?—A. The center of the street is a grass plot, sodded, and on each side of that is a dressed curbstone; then the space between this curbstone and the sidewalk is paved with blue-gneiss, and in some of the squares with Seneca stone. The stone is not in blocks, but in irregular triangular pieces.

Q. What proportion of the whole width of the street does this grass-plot take up?—A. I should think about one-third.

By Mr. HARMER:

Q. What is the character of the paving?—A. It is irregular pieces of stone.

By Mr. CHIPMAN:

Q. Do you know whether that pavement was ordered under the old corporation or under the new?—A. I think it was ordered by the board of public works. I believe, however, that the square from the Capitol down to the Baltimore and Ohio Railroad depot was paved under Mayor Bowen's administration, and the board of public works, I think, continued it to the boundary.

WASHINGTON, D. C., *February 21, 1872.*

DAVID A. GARDINER sworn and examined.

To Mr. GREEN:

I reside at 1426 New York avenue, between Fourteenth and Fifteenth streets. The board of public works commenced to grade there about the first of November last. They graded the center of the square between Fourteenth and Fifteenth street, on the south side, about 2 feet 2 inches from the old curb. The old curb had sunk. It was filled there some forty years ago, some 5 or 6 feet. I have been a resident there nearly fifty years. After about six weeks or two months, they lowered the grade about 16 or 18 inches, and made it an air-line between Fourteenth and Fifteenth streets. There had been always a difficulty in that square. It was too flat in the center, and the object was to obviate that difficulty by raising it in the center, and pitching the water both ways.

Q. Did these changes subject you to any inconvenience or loss?—A. Yes. I had to build a new area and a new porch, and to put in new windows in the basement. The changes cost me about \$400. I believe that part of them is an advantage and part a disadvantage to my property. But I never complained about it; I supposed they were doing it for the best.

By Mr. HARMER:

Q. Has the street been improved by the change of the grade that you speak of?—A. It is now an air-line between Fourteenth and Fifteenth streets; and that is an improvement. That should have been done any way. My property is at about one-third the distance between Fifteenth and Fourteenth.

By Mr. ELDRIDGE:

Q. Is the filling up in front of your premises an advantage or a disadvantage?—A. I thought it was not a disadvantage.

Q. How would you have done it?—A. I would have done it just as they did it.

By Mr. CHANDLER:

Q. How much frontage have you on New York avenue?—A. Fifty-seven feet, extending back on G street, with the same frontage on G.

Q. How is your property on New York avenue improved?—A. I have a dwelling-house on it in which I live, 24 feet front and 34 feet deep—a two-story frame dwelling. I built it twenty-three years ago. I have two brick buildings on G street.

Q. Is the improvement on New York avenue, as it now exists, any benefit to your property?—A. I think it is; I do not know whether it is to the extent of \$400.

Q. Your principal annoyance about it has been the change of grade, because they did not in the first place adopt the grade as it now is?—A. Yes, sir.

Q. Has your property increased in value there?—A. I think it has increased.

Q. That neighborhood is rapidly coming to be a very active center?—Yes, sir.

Q. Will not the lot be soon too valuable to be occupied as a dwelling-house?—A. I do not know; I suppose it will.

Q. You expect that at no distant day there will be a store there?—A. I think it very likely.

By Mr. CRANE:

Q. Do you know of the street on the opposite side being paved with concrete?—A. Yes.

Q. How is the grade there; is it right?—A. It seems to me to be about right.

Q. Have you not observed that it is about a foot lower, and that it is being paved so as to bring it up to the grade?—A. Perhaps so; it may be. I made up my mind, when this thing started, that I was not going to trouble myself much about those grades. I am too old—seventy-eight years old. I left the matter to the board of public works. I am acquainted with Governor Cooke, and other gentlemen of the board. I think that they have made some mistakes; but we are all liable to mistakes. I think it was the engineer, Mr. Green, who made the mistake. I talked with him and Mr. Mullett in regard to that special square. I thought they made a mistake there; they took down some beautiful trees that I planted there some twenty-five years ago; but it was necessary to take them down, as the concrete paving would have killed them anyhow. So I made no objection. I told them it was the wrong time of the year for them to take up quite so much of the street, but it is my honest impression that they did it for the best. They are interested in the street themselves, and I do not suppose that gentlemen owning so much property as they do would cut off their noses to spite their faces. Mr. Mullett said that I did not know anything about it. I told him that I thought I did, and they found out that they were mistaken. I do not think that they did it to put us to unnecessary expense.

By Mr. HARMER:

Q. If I understand, what they first expected to accomplish by filling up, they afterward accomplished by cutting down some other part of the street.—A. The corner house on Fourteenth street and New York avenue had just been finished. Mr. Winters had expended about \$10,000 or \$12,000 upon it. When they first altered the grade they raised him up nearly a foot, and almost ruined his house; and so with another new house on the next square, between Thirteenth and Fourteenth, on the south side of New York avenue. They raised it a foot or 15 inches. I think they saw their error, and that it would subject them to a very heavy expense, and not really be of so much benefit, and so they put it back to its old grade.

By Mr. CREBS:

Q. This filling that you speak of, this gulley that was in that square, when was it filled?—A. It was not a deep gulley, only a settling of about 8 inches. It was filled up thirty or forty years ago.

Q. Then the board of public works filled up the square 2 feet 2½ inches?—A. Yes.

Q. And then they cut it down to nearly what it was before they commenced?—A. They did cut it down exactly to what it was, only making it straight from end to end, so that the water would not lie in the center of the square.

Q. The \$400 which the change cost you, did that include your proportion of the expense of the work?—A. It has nothing to do with anything only my private expenses.

Q. You have to pay one-third of the cost in addition?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. Independently of the necessity of making this improvement, is it a benefit to your property?—A. I think it is some improvement. I have no question about it. The half windows in the basement were taken out, and full windows put in and hung; so that it makes my dining-room very pleasant, with a full 5-foot area outside, which is better than having the earth right up against the house.

WASHINGTON, D. C., February 21, 1872.

DANIEL MCFARLAND sworn and examined.

By Mr. GREEN:

Question. Where do you reside?—Answer. At 1340 New York avenue.

Q. State all you know about the work that has been done on New York avenue by the board of public works.—A. I shall have to speak simply of the work in front of my own

premises, as my duties are such that I get out very little. The work was commenced in front of my place in the latter part of September or the first of October. The old curbing was removed and the new curbing was put down, being raised 10 or 15 inches above the original grade. I conferred with some of our friends in the neighborhood as to whether we had not better appeal to the board of public works with reference to the grade, and I finally concluded, without having others in it with me, to appeal to the board of public works myself. I requested the vice-president of the board, Mr. Shepherd, to come up and look at the place himself, as it was very evident that the change which was being made would injure the property, particularly on our side of the street. Our steps would have to be removed, the iron railings taken out, and the areas filled up, covering our basement windows. In a day or two afterward I saw, from my office-window, Mr. Shepherd up there, looking about. I had heard nothing further on the subject. The work seemed to be progressing, and I began to fear that no change was to be made. But I saw Mr. Shepherd, Mr. Forsyth, and another gentleman, whom I understood to be General Green, all of them in consultation. I went out and ascertained that they had determined to restore the grade to its original position. A short time subsequently I received an official communication from the board stating that on a recommendation from the engineer the grade would be restored to its original position, which has been done. At least the curbing on my side has been restored, and I suppose the original grade is to be retained.

By Mr. CRANE :

Q. In restoring that curb, have they not left it half an inch over the bricks, so as to require a relaying of the sidewalk?—A. That I cannot say. The bricks are out probably 2 feet from the curb. It has been covered ever since with snow and ice, so that it is very difficult to determine what the difference is, if any.

By Mr. CREBS :

Q. How much grading was done before the change was made?—A. I think from the corner of Fourteenth, half way between Thirteenth and Fourteenth. On my side of the street, the north side, nothing has been done with the street except the lateral sewerage, which was put in a couple of months since.

By Mr. ROOSEVELT :

Q. Do you know who is to pay the expense of this change?—A. I do not.

WASHINGTON, D. C., *February 21, 1872.*

JOSEPH C. G. KENNEDY sworn and examined.

To Mr. CRANE :

I reside at 1313, H street, near the intersection of New York avenue between Thirteenth and Fourteenth streets. I have the avenue and H street in front of my house.

Question. State what you know in regard to the improvements going on in your neighborhood, how the work is being done, &c.—Answer. There has been a very serious change to us. There has been a condition of things there that has been terrible. For months at a time on H street you could not have run a wheelbarrow through from Thirteenth to Fourteenth, in front of my house. Stones were piled up in immense quantities, from one side of the street to the other. Early in December and November I remonstrated with the board of public works. I communicated with the board by letter and verbally. I stated that we were in great danger, as, if a fire had occurred, there was no possibility of engines reaching us. The physician could not get his carriage within half a square of my house while my daughter was ill, and he was visiting us every day. We could not get our ice; we were entirely isolated; no vehicle could approach our house. And all this was entirely unnecessary. The stone were kept there to feed a manufactory of concrete in New York avenue, between Thirteenth and Fourteenth streets. That manufactory was certainly a very disgusting feature, and was dangerous to the property in its neighborhood. Instead of occupying New York avenue with material for that street, they occupied H street, and in place of putting cart-loads of stone on the top of cart-loads, the stone was spread over the whole surface of the street, so that carriages could not pass. I stated to the board that those stones were there without any notice whatever to the residents. Then they commenced making lateral sewers, which put an end to all traffic. The construction of those sewers froze up our water-pipes. The pipes from the street sewers to the house were left exposed and unprotected. I had to make a wire rack, and to put in pine knots to keep a fire there, in order to get water into the house. We were a long time in that condition. During the month of January, without any notice to me, and I believe without any notice to any person on that side of the street, men came and tore up our pavement, which was an excellent pavement, and not an old one. They tore it up the whole distance from the center of the square to Thirteenth street. They had moved these stones away by that time, so that carts could

come in. The first information we had was to find that two feet of earth was put on top of our sidewalks, when there was not a brick to lay on the top of it, and without giving any notice to us to arrange the areas for our windows or door-steps. There is now in front of our house, lying in that condition, two feet of earth, without any arrangement for the drainage of the water, which comes there very excessively, and had the last snow gone off with rain, every house between Thirteenth street and the center of the square would have been filled with water. I wrote twice to the board of public works, stating the condition of things, and a few men came up, I have no doubt, in response to that, and turned the water into the street from the sidewalk. It was a small gutter, and as the snow melted without rain, the water went through it without doing much damage, except leaving a pool in front of the door. This earth which I spoke of was brought from the corner of New York avenue and Fifteenth street. They had deposited it there first, and finding that a mistake had been made, they took it up and emptied it in our street. When the first load or two were emptied in front of my door, I asked the cartman what he meant by bringing that deposit of earth there. He said that the boss had to move it, and had no place else to put it, and that no doubt was the fact, for nothing has been done with it since. It is lying there now, and is a great nuisance. Our houses are filled with dirt. We have lost our servants on account of the necessity of trying to keep the front of our houses clean. We have been very much disturbed all winter, as everybody else has been in that part of the town. There has been the most reckless indifference to the comfort of the inhabitants.

Q. Did you notice the change of grade made on New York avenue?—A. I paid no attention to the changes of grade; I have been more sensible to the unnecessary inconveniences and trouble that we have been put to by filling up our street with material that is quite unnecessary there. The concrete pavement in front of my door, at the intersection of the sidewalk with the north side of New York avenue and the south side of H street, has entirely failed. It has sunk down so that in one place a moderate-sized man might lie in it without anybody who looked along the surface seeing him. Perhaps that is an exaggeration, but it has sunk down 6 or 8 inches. This is in front of the New York avenue Presbyterian church. A new curb was put up in front of my door for a couple of hundred feet, and there is not one stone of it now but what is out of place and will have to be relaid. We were very much annoyed with work of that kind being attempted in the month of January.

By Mr. HARMER:

Q. How far are you from the corner of New York avenue?—A. My house is No. 1313; that would be six or seven lots from the corner. It is on the north side of the street. My carriage-step went below ground entirely. They turned the water into the alley, and my carriage-step went below the surface. Somebody has put it up since, and it now spans a gap. The street is very dangerous, and the police are very negligent. I have notified them time and time again, but there is no attention paid. There are holes in the street in which carriages could go down, and there are no lights. I have spoken to the police a dozen times. This place is very dangerous. A carriage might drive to my door in the evening, and it certainly must go over. There is no light, and no attention paid to the excavations and dangerous holes. I do not know who is responsible for it. When I spoke to the policeman about it, he said, "Suppose I require you to clean the snow off the pavement." That was the response I got. I presume that the condition of our part of the town is worse than any other almost. There is a concrete manufactory built up in front of Mrs. Burr's house, which is certainly a very great nuisance.

By Mr. CHANDLER:

Q. That is for the purpose of melting tar and making concrete?—A. Yes.

Q. How many feet is it from H street to the south side of the avenue?—A. Probably 250 feet.

Q. Do you know any more convenient place where that factory could be put?—A. Yes; there is a large vacant lot just beyond me, on H street, beyond the Army Medical Museum. It is private property, but they could have rented it for the purpose. I would have paid one-quarter of the rent myself to get it out of the place where it is.

Q. Is this the first time that you have given that description of affairs there?—A. I gave it to you one day in front of my door.

Q. You have been in the habit of giving this description?—A. I see it before me all the time.

Q. Does not your description grow more vivid every time you go over it?—A. I do not think that it at all comes up to the magnitude of the evil.

Q. You do not think that you ever get up so as to do justice to the subject?—A. O, no, I do not.

Q. You do not attribute any of this to malice or evil intention toward the inhabitants of that section?—A. Certainly not.

Q. Do you not think that when a selection was made of that opening for the erection of the concrete machine, it was believed to be as good a place as could be found?—A. It was a cheap place; they had no rent to pay for it; but it was selected without regard to comfort or decency, or our interests.

Q. Wherever it would have been located, the inhabitants would have complained of it?—A. No, sir; it would not have inconvenienced anybody materially if it had been placed half a square further up on H street. They could have had vacant ground there.

Q. They would have had to hire that lot, and it would have been in much closer proximity to buildings than it is where it now is?—A. No, sir; there is no other building there but a brick building that is used as a medical museum.

Q. Would not the erection of that machine and the maintenance of it have more endangered property, and caused more annoyance, if it had been on that lot than where it now is?—A. If it had burned all that property, it would have been a great improvement to the street. They are all small buildings on the corner of Fourteenth and H streets.

Q. They are small dwellings owned by colored people?—A. Yes.

Q. And they would have been in more danger from fire than any property is now endangered from that machine?—A. No, I think not.

Q. You think that the machine might have been set up on this vacant lot?—A. Certainly.

Q. Where else could it have been conveniently taken?—A. I think that they might have occupied only half the ground that they did occupy. While these improvements were going on, other improvements were being made at the same moment, which made the difficulty a good deal more. At times both New York avenue and H street have been impassable. They were building a railroad on New York avenue.

Q. You think that the time was badly chosen to do this work?—A. They did, for their own convenience, simultanaeusly what should not have been done at the same moment.

Q. You think that the business was carelessly and imprudently managed?—A. Very much so.

Q. That it was not properly superintended?—A. Yes.

Q. Do you make any other charge besides that?—A. None, except that the work was done with entire indifference and disregard to the comfort of the property-owners.

Q. Do you charge anything more than that?—A. I charge nothing corrupt.

Q. You have no reason to suppose that the board of public works or the contractor intended to annoy the inhabitants?—A. No, nothing but selfishness as far as taking up the public highway in place of renting ground which might have been occupied. If that machine can remain there, I do not know what might not be put in the street. I have known streets to be paved in other cities, but have never known of a machine like that being placed in the public highway. It is the duty of the contractor to find a place in which to do his work without occupying the public highway.

Q. Was there a difficulty in locating that machine?—A. I do not know; I think it was driven out of another part of the city.

Q. And it was located there to the disgust of all the inhabitants?—A. Yes.

Q. And it is your judgment that it might have been located elsewhere?—A. If necessary at all, it might have been put elsewhere. And then there was no necessity of putting one or two hundred carts of wood in the middle of the street to lie there all winter. That wood is used for melting tar, and the odors from it are cause of constant complaint. There is a female boarding-school in the immediate vicinity, Mrs. Burr's, and they are very much annoyed at it.

Q. Where do you attend church?—A. In New York avenue.

Q. Has the attendance at your church been seriously affected?—A. They would not be a very devout people that could not stand a little annoyance of that kind.

By Mr. ELDRIDGE:

Q. Have they been building a horse-railroad in New York avenue?—A. Yes; it passes in front of my door.

Q. And at the same time they were building that, was H street torn up?—A. Yes; they had it filled with stone, so that a wheelbarrow could not run from Thirteenth to Fourteenth street.

Q. Is H street being paved at that point?—A. No, sir; in the first place, last summer there was a hundred cubic feet of loose earth put on H street, near Fourteenth. Then there was stone hauled into H street, for the purpose of being pounded up to feed this concrete machine.

Q. Is that a machine for pulverizing or breaking stone?—A. No; the stones are broken by hand and are filled in with tar.

Q. Was that for the railroad, or for the paving of the street?—A. It was for the concrete pavement in that part of the city.

Q. What streets are they paving?—A. I do not know of any streets that they are paving with concrete in my neighborhood.

Q. This material that they are preparing there, where is it being used?—A. They have not been preparing any for months.

Q. Where did they use it?—A. On New York avenue, near Fifteenth. I think they used it on Fifteenth street, running up to H and across H. I imagine that the concrete has been laid in two different places.

Q. How is H street torn up, and for what purpose?—A. In the first place it was filled up with earth and stone; then a portion of the surface of H street was taken away from there

altogether, and when that was carted away, earth from another point was brought in and put upon our sidewalks in place of using the earth that was taken off H street.

Q. What is to be done with H street there; is it to be paved?—A. I do not know; they have lowered the surface of the street, and raised the sidewalk, and brought in a lot of stone and old brick and earth. I infer that it is the intention to make a concrete pavement there as far as what is known as the Chain Building.

Q. You speak of the curb being out of place?—A. It has failed entirely.

Q. What has done that; was it the weather?—A. Yes; it was put up at a wrong time; it was done in January.

Q. You spoke about applying for a change; to whom did you apply?—A. I applied personally to the governor of the District. I spoke to Mr. Clephane. I addressed notes to the board of public works in its official character, representing the condition of things, and when the last snow fell, I dropped them a note, telling them that the street would be inundated.

Q. Did you have any conversation with members of the board of public works?—A. Yes; I talked with Governor Cooke, and with Mr. Magruder, and with Mr. Shepherd. Mr. Shepherd, once, when I spoke to him about the condition of the street—mentioning the danger to property if there was a fire, as an engine could not get near our house—said, "We will have it attended to to-morrow," or Monday, I forget which; but nothing was done. That was some time in the month of December.

Q. When you had a conversation with the governor about it, what did he say?—A. It was with the other members of the board. He did not appear to know anything about it. I merely made a verbal complaint. I said that things were in a bad condition, and wished them to send somebody to make an examination and report. The communication which I sent, I sent by mail. Mr. Clephane is the contractor for concrete pavement, and it is he who has put up that establishment in front of my house.

Q. Who was it that was building the horse-railroad?—A. A company; Mr. Claggett is connected with it; Mr. McKelden is the president. They are laying a new track now.

Q. Did you remonstrate with those men?—A. No; they were not interfering; they were merely laying their road. They did not bring rubbish to make us any trouble.

Q. You said that the blunder was in tearing up New York avenue and H street at the same time?—A. They filled H street with stones while New York avenue was impassable; so that we either had to go to I street, or to go further down to G.

Q. Did you remonstrate against that machine being located there?—A. No, sir; I did not know that it was to be put there; but I understand that there were remonstrances against it.

Q. You say that it has not been used recently?—A. No, sir.

Q. Has the weather, at any time since they ceased to use it, been suitable for the work?—A. I should not think that for that kind of work the weather was suitable. I think it should be perfectly dry and very warm for such work; I should judge so from what I have seen of the effect of the frost on the pavement that has been laid. I think that with my shoe I can make a hole in that concrete pavement near the Catholic church. No one can come to any other conclusion than that it is a useless pavement, and that the whole cost of it will be thrown away.

By Mr. CHANDLER:

Q. For what distance?—A. I imagine the whole pavement is bad. It is bad from Pennsylvania avenue up to I street, I think. That which is in front of my office, in the rear of Riggs's, is better than that which is above H, on Fifteenth street, which is very bad. I went over the other evening and scraped it up with my foot without difficulty. I mean that I scraped up the material forming the bed of that new concrete road.

Q. Is the contractor repairing it now?—A. No; there have been no repairs put upon it since it was put down. They narrowed Fifteenth street first. The curbs were put up. We had no notice of what was going to be done. There are now two steps down to my office where we used to go up. The curbs were put down so as to make the street 10 feet narrower than they are now making it. Fifteenth street is a great thoroughfare, and the property-owners would willingly have made the road at their own expense. After putting down the curb, they voluntarily took it up and widened the street 10 feet—that is, 5 feet on each side. But above H street, between H and I, the former line is retained, leaving the street from Pennsylvania avenue to H street narrower than it is from H to I.

By Mr. CREBS:

Q. Are they paving New York avenue with concrete?—A. It is to be concrete.

Q. There is some of the work done?—A. Yes.

Q. What is the condition of that which is put down?—A. Very bad. There are pools of water on it. I pass it every day, and if there is any water, there are pools of water on it, and you can see that these pools are getting deeper. I have made no critical examination, but I notice that these pools of water, when they lie, are becoming more widespread, because the surface is wearing, and must wear where that depression is. They water this pavement continuously, and my own opinion is that this watering is a serious injury to it.

Q. Are there any breaks in the pavement where it has been put down?—A. I do not know; I have never examined it particularly. It was put down in the cold weather, and I am satisfied that that kind of work should not be done in winter.

Q. Do you know whether that narrowing of Fifteenth street was a blunder of the engineer?—A. I do not. All that I know is that there was a change. I think that narrowing the street at all was a blunder. My own private individual opinion is, that the engineers who laid out the city and fixed the width of the streets knew better what they were about than the board of public works does.

By Mr. ROOSEVELT:

Q. Are you a real estate agent?—A. I have some connection with real estate.

Q. What is the effect of these changes on property?—A. I have been authorized to sell at cost some of the best property on H street, which was bought two years ago. I think there is less activity in property at this time than there has been for two or three years. I have no doubt on that subject. I think it harder to sell a piece of property now, except in some particular portion of the city. I do not know any part of the city where property sells as readily as it did two years ago.

Q. How is it on Seventeenth street?—A. I think it is very much at a stand; I do not think it is rising.

Q. Do you think it has been depreciated in value at all?—A. I do not know. I know that the property I spoke of, on H street, is owned by a gentleman in Philadelphia. It is on the north side of H, between Seventeenth and Eighteenth, and is one of the handsomest vacant lots on the street. He wrote to me asking me to sell it at cost. It cost him, I think, about \$1 60 or \$1 65 a square foot.

Q. Is that less than he had been holding it at previously?—A. He had never been offering it for sale.

By Mr. CHIPMAN:

Q. What reason had he for offering it for sale?—A. High taxation. He had other property adjoining it, a valuable house, and he said that taxes would inevitably be so high that he wanted to dispose of it. The gentleman I am speaking of is Mr. Charles McAllister, of Philadelphia.

Q. When did this falling off in the demand for real estate begin? Did it not commence something over a year ago?—A. I have not said that there was a depreciation. I said that you cannot sell property so well. There is not a demand for it.

Q. When did the demand commence to fall off?—A. I think mostly in the last six months. I think that more good property could be purchased within the last six months than for any period for some years.

Q. Has there not been, within the last three years, a vast amount of property thrown on the market?—A. Not so much as has been offered within the last six months.

Q. There are a great many persons building here on credit, and putting up great rows of buildings. They must throw the property on the market or mortgage it. How would that affect the question of demand?—A. It will have the effect of lessening the demand for that property.

Adjourned till to-morrow.

IN THE MATTER OF THE WASHINGTON ASYLUM.

WASHINGTON, D. C., *February 22, 1872.*

THOMAS B. CROSS, jr., sworn and examined.

By Mr. GREEN:

Question. Have you any connection with the Washington Asylum?—Answer. Yes; I am one of the commissioners of the asylum.

Q. Do you know anything about a contract awarded by the commissioners to John T. Varnell for furnishing beef to the asylum?—A. I do not.

Q. Was it not your duty as commissioners to advertise for bids for the supply for the asylum?—A. Just as we saw fit; there is no law compelling us to do so, I think.

Q. Was it the custom?—A. It had been the custom to advertise for bids.

Q. Was any advertisement published under which Mr. Varnell made a bid?—A. We advertised for meats, but I do not know that any one made a bid. The advertisement was withdrawn.

Q. On whose motion was that advertisement withdrawn?—A. I cannot inform you; I was absent from the city at the time.

By Mr. CRANE:

Q. Did not the governor overrule the commissioners, and give the contract for supplying beef to a member of the legislature?—A. I was out of town and do not know.

Q. Were you not indignant, and did you not threaten to resign your position on account of that?—A. If I have to state private conversation, I will answer the question, but not otherwise.

By Mr. ELDRIDGE :

Q. From whom did you derive your appointment?—A. From Governor Cooke.

By Mr. ROOSEVELT :

Q. Do you not know the fact from information, whether you were out of town or not?—A. It would be hard to answer the question, because I do not know the fact positively or personally ; it is only hearsay with me.

Q. Did you see any record or were you told by Governor Cooke himself of the facts concerning this contract?—A. I was told, when I came back from the country, that the other two commissioners, who were in town, had deemed it to be for the benefit of the institution that that advertisement should be withdrawn, and that they would purchase privately.

By Mr. CRANE :

Q. You do not know whether the advertisement was withdrawn?—A. I did not ask.

Q. Why did you not inquire into the matter?—A. Because I did not see fit.

Q. State at what price Mr. Carroll is furnishing the asylum with beef.—A. He gets 12½ cents a pound.

Q. State what Varnell's bid was.—A. I do not know what his bid was.

Q. You stated that you did not know why this contract was given to Mr. Carroll.—A. Of course I do not know why.

Q. And you have stated that you threatened to resign in consequence?—A. I did not state any such thing.

Q. Do you now state that you did not threaten to resign your position?—A. No ; I did not say so ; I did threaten to resign.

Q. Why?—A. Because I thought that the beef might be bought cheaper.

Q. You thought it an injustice to the people of the city that they should be obliged to pay 4 or 5 cents a pound for beef more than they might pay?—A. I thought that the beef might be bought cheaper.

By Mr. ROOSEVELT :

Q. What price did you think it should be bought for?—A. I had no thought about that matter. I understood from the other butchers that they could furnish it at less. I think that one of them told me himself that he had offered to furnish beef for about 6½ cents a pound.

By Mr. CRANE :

Q. Are you acquainted with Mr. Varnell?—A. I do not know him ; I would not know him if I saw him.

Q. Do you know the price paid for a lot of herrings for the asylum, bought from Mr. Bassett?—A. The price of herrings varies as much as the price of sugar or flour, according to the quality.

Mr. WILLIAMS remarked that he could not see the application of this testimony to the charges before the committee.

After considerable discussion between members of the committee and the counsel on each side, the examination was permitted to proceed.

By Mr. HARMER :

Q. Do you know whether Governor Cooke has or has not undertaken to influence the action of the commissioners in the purchase of the beef, or in making contracts for supplying it?—A. I do not know how to answer that question.

By Mr. CREBS .

Q. Did the governor state anything to you as to the reason why Mr. Carroll got the contract?—A. No, sir.

Q. Did he state why these men who were offering to supply beef at lower prices did not get the contract?—A. He did.

Q. Tell the committee what he did state.—A. He said that he thought no one could furnish meat fit for any one to eat at that price. That was his reason.

By Mr. ROOSEVELT :

Q. Did he overrule the views of the commissioners on the subject?—A. As I said before, I was out of town when this advertisement was withdrawn. I am in favor of advertising for everything that is wanted for use at the asylum.

By Mr. ELDRIDGE :

Q. Is it your opinion that good beef, as good as is required, could be furnished to the asylum at 6½ cents a pound?—A. That I cannot say.

Q. What is your opinion? Can you buy good beef in the market at $6\frac{1}{2}$ cents a pound, such as is required for the asylum?—A. I would not like to eat it.

Q. What can suitable, good beef be purchased for?—A. I do not know. I do not know what I pay for beef myself; my wife does my marketing.

Q. Do you not know anything about the state of the market here?—A. Very little.

Q. Then how came you to say that you would resign because the price was higher than beef could be bought for?—A. Merely from the statement of the butcher who told me that he would furnish meat at a certain figure.

Q. From all the information you gained from butchers, and from your own knowledge, what is your opinion as to the price of beef?—A. Butchers in whom I had faith said they could furnish it at $6\frac{1}{2}$ cents a pound.

Q. You said you did not believe that?—A. No, I did not.

Q. What do you believe that it could have been bought for?—A. It could have been bought at $6\frac{1}{2}$ cents. The governor said that meat fit to eat could not be furnished at that price.

Q. I understood you to say that the reason why you threatened to resign was because butchers told you they would furnish beef cheaper?—A. You misunderstood me.

Q. Tell us what you did say. Did you or did you not say that you would not like to eat the beef which could be bought at $6\frac{1}{2}$ cents a pound?—A. I did.

Q. Why not?—A. Because it is not such beef as I eat.

Q. Then I put the question what good beef can be purchased for?—A. Such as I would eat, about 20 cents a pound.

Q. I mean good beef for that institution over which you preside.—A. The person from whom I got my information agreed to furnish it at $6\frac{1}{2}$ cents.

Q. I am asking for your judgment?—A. That is the only judgment I have about it; the information I got from that butcher.

Q. You say you would not like to eat that beef?—A. Of course not.

Q. Do you know what kind of beef ought to be purchased for that institution?—A. I have never seen what they get.

Q. Then you do not know what kind of beef they ought to have there?—A. Good beef, I suppose.

Q. What can good beef be purchased for for that institution?—A. From all the information I can get, at $6\frac{1}{2}$ cents a pound.

Q. You would not call that good beef?—A. I would not like to eat it.

Q. Tell me what kind of beef can be bought for that institution, and what price should be paid for it.—A. They are paying $12\frac{1}{2}$ cents now.

Q. Do you wish to trifle with this committee?—A. Not at all.

Q. You surely have sense enough to understand the question I ask you. You took pains to gain information on this subject, it is evident, because you threatened to resign on account of the beef being bought at $12\frac{1}{2}$ cents. Now, what can beef, such as ought to be furnished for such an institution, be purchased for in the market?—A. Six and one-fifth cents. If it were not fit, it could be sent back to the contractor, and other beef bought in open market at his expense.

By Mr. POLAND:

Q. Can you buy good beef at $6\frac{1}{2}$ cents a pound in the market?—A. I never tried.

By Mr. ROOSEVELT:

Q. State your conversation with the governor in relation to this beef.—A. I would not like to state a private conversation, unless I am compelled to.

Mr. ROOSEVELT. That is the direct point—how far the governor interfered with you.

WITNESS. The reasons he stated were, that he did not think that good beef, or beef such as people ought to eat, could be bought at that price, and that, furthermore, if we entered into a contract with people, they had the advantage of us; that having the contract, we would be obliged to receive the meat they would send, but that when we bought it in open market, we would have the privilege of changing whenever we were not properly served.

Q. Did he say that he had directed the withdrawal of the advertisement for public bids?—A. No, sir; he did not state that fact to me.

Q. Did he state that he had interfered with the commissioners?—A. Not to me.

Q. Did he say that he had overruled their action in any way?—A. Not to me.

By Mr. CRANE:

Q. Did you not state just now that in case the meat furnished was not of proper quality, it could be sent back, and good meat be bought in the open market at the expense of the contractor?—A. Certainly.

By Mr. HARMER:

Q. When you use the term "open market," do I understand you to say that there is no contract with the person supplying the beef?—A. There is no written contract.

Q. You merely purchase from him from day to day at $12\frac{1}{2}$ cents a pound?—A. Yes.

By Mr. ROOSEVELT:

Q. You say that you threatened to resign; did you find fault with the governor or with your associate commissioners?—A. I found fault with my associates. When I was away they withdrew the advertisement. If I had been here, I would have objected to the withdrawal of the advertisement.

Q. The governor did not say that it was through his advice that the advertisement was withdrawn?—A. No, sir.

Q. Then you did not complain of the governor?—A. I complained because the advertisement was withdrawn.

Q. You did not complain of the action of the governor?—A. I did not complain of any person except my associates.

Q. You regarded them as entirely to blame?—A. They had full control over the matter.

By Mr. CRANE:

Q. Was not the time that this contract was given to Mr. Carroll just previous to the passage of the four-million loan, and was not his vote wanted in the legislature on that act?—A. Indeed, I do not know.

Q. You stated that it was in August.—A. Yes.

By Mr. GREEN:

Q. State the names of the other commissioners.—A. One is D. W. Anderson, the other is Mr. Simms. I do not know his first name.

By Mr. CRANE:

Q. Did not the governor state that he wished to get this for Mr. Carroll, because he was a member of the legislature, and because he wanted to do something for him?—A. He said this, that if there was anything to be given, we should give it to our friends.

By Mr. POLAND:

Q. From what knowledge you have in reference to the price of beef, saying nothing about bids or offers, would you regard $12\frac{1}{2}$ cents a pound as being an exorbitant price, having reference merely to the quality and price of beef?—A. It is not an exorbitant price.

By Mr. HARMER:

Q. Can you tell us the price of beef such as is purchased in open market for family use?—A. I can hardly answer that question; I do not do my own marketing.

Q. You said a while ago that it was 20 cents a pound?—A. That is about the general price, I think, in small quantities.

Q. Is that the same quality of beef that is supplied to the asylum?—A. That I cannot answer.

By Mr. ELDRIDGE:

Q. Who makes your selections daily for the asylum?—A. The intendant, Joseph T. Hodgson.

Q. Who appoints him?—A. The governor.

By Mr. GREEN:

Q. You say that you are now paying $12\frac{1}{2}$ cents a pound?—A. We are.

Q. Do you vary the price at any time?—A. No, sir; that is what the bills come in for every week.

Q. You never pay more than that?—A. Never more.

By Mr. CHANDLER:

Q. How many inmates are there in the asylum?—A. About two hundred on the average.

By Mr. ELDRIDGE:

Q. What asylum is this?—A. The Washington Asylum for paupers and criminals. It is the workhouse and almshouse, and small-pox hospital, and other things included.

Q. Do you not examine as to the kind of beef that is furnished?—A. We could do it if we saw fit, but we have confidence enough in the intendant to allow him do it.

Q. You say that you do not know whether it is the same kind of beef that you purchase at 20 cents a pound?—A. No, sir, I do not.

Q. How is the beef furnished; is it in small quantities or by the whole carcass?—A. I have never seen it.

Q. What are your duties?—A. To look after the interests of the institution.

Q. Are you employed all the time at the institution?—A. No, sir. I go there three or four times a week.

Q. What is your salary?—A. \$250 a year.

Q. Do any of the commissioners spend their whole time there?—A. No, sir.

Q. Is the salary of the others the same as yours?—A. The same.

Q. Do you meet as a board?—A. We do; every Wednesday at 3 o'clock.

Q. Do you never investigate the subject of the food furnished to the inmates?—A. We do go about to see the bread, and to examine the quality, if any complaints are made.

Q. You never look at the meat?—A. That is generally eaten up when we get there. They only give meat once a day, and that is 12 o'clock.

Q. Do they furnish them with good bread?—A. They do; as good as I eat.

Another witness having been called on the same subject, Mr. Cotton raised the question whether the committee was called upon to investigate that subject, as it was not comprised in the charges which the committee was directed to investigate.

Mr. GREEN said that, besides the charges recently referred to the committee, a further reference had been made to it of a letter from Rev. J. W. Green, of the District of Columbia, asking that other subjects might be inquired into.

The letter was read, and after considerable discussion, the examination was allowed to be proceeded with.

WASHINGTON, *February 22, 1872*

JOHN GRINDER sworn and examined.

To Mr. GREEN:

I am about sixty years old. Am a brick-maker. Have lived in Washington about fifty-eight years. I cannot give any approximate amount of injury done to the property on F street and vicinity by the excavation and work recently performed there. I have no property there. I should think the property was injured, I would prefer to have it as it was originally, than in the condition it is now.

WASHINGTON, *February 22, 1872.*

ADOLPH CLUSS sworn and examined.

To Mr. GREEN:

I am an architect and engineer. I did not have charge of the work done and improvements made on the Morrison buildings. I audited the bills—that is, I was instructed to go on and measure the work, and give an opinion as to its value, which I have done, and made a report.

Question. Have you a copy of that report?—Answer. Not here; and I could not state the amount audited.

WASHINGTON, *February 22, 1872.*

J. T. VARNELL sworn and examined.

To Mr. GREEN:

I reside in the county of Washington; I am a butcher; I submitted bids for furnishing beef to the asylum; I have not the figures set down: I think I was to furnish fresh beef at 6 cents per pound, and some two or three different kinds of pork mentioned, at 7 cents, 8 cents, and 12 cents, for ham, middling, and shoulders, and for prime goods (officers' mess, as it was called) of beef, 15 cents.

Question. Do you know whether any action was taken on the bids submitted?—Answer. I think the bids were opened after they were put in. I understand the award was given to a man by the name of Carroll.

Q. There was not a previous award made to a lower bidder?—A. I do not think there was; I never heard of it.

By Mr. CRANE:

Q. State briefly what you know about the matter.—A. I noticed an advertisement in the papers, and I put in a proposal for it. I was told that I was the lowest bidder by 5 or 6 cents a pound. I sent my clerk down to inquire about it. He did not get any satisfaction, and I called on one of the commissioners, who told me that mine was not a responsible bid. I told him I had had a contract with the Government, for five years, for furnishing every Army officer in Washington, from the President down, and furnishing the troops, and that I thought I could give pretty good security. He said he did not think it could be furnished at those prices. That is all that passed between us.

By Mr. HARMER:

Q. Did you ever have any conversation with Governor Cooke in regard to these bids?—

A. No, sir; I addressed a proposal to the intendant and commissioners of the asylum when I made my bid.

Q. Are they receiving the same kind of beef you proposed to furnish?—A. I do not think they are.

Q. Why did you propose to furnish one kind of beef at 6 cents, and another at 16 cents a pound?—A. The cuts I proposed to furnish at 15 cents a pound were for what is called officers' mess—the loins and ribs. I believe they use that at the asylum for the attendants.

By Mr. CRANE:

Q. Do you know anything about the quality of beef Mr. Carroll is furnishing?—A. The kind I have seen I would furnish at 5 cents a pound to-day.

By Mr. WILLIAMS:

Q. What is the price of beef in the market, where you furnish small quantities for families?—A. 15, 18, or 20 cents. I have a contract with the Government at 10 cents a pound, prime beef, best quality; but it is too low; I have lost money on it.

By Mr. CRANE:

Q. What sort of beef is it that you could furnish so much cheaper?—A. It is what we call necks and shins.

By Mr. WILLIAMS:

Q. It is what you contemplated furnishing in making this bid at 6 cents a pound?—A. Yes.

Q. Could you have furnished good prime beef at 6 cents a pound?—A. At that time I could have furnished the forequarters and hindquarters at that price; we were buying for 3 and 3½ cents per pound, gross, then. It is now selling, net, from 8 cents to 14 cents, depending upon quality.

Q. How did you happen to lose money on your contract with the Government?—A. I made my contract too low.

Q. When did your contract commence?—A. On the 1st of last October, and continues until the 1st of April. I ought to have had 15 cents a pound.

Q. Have you seen Mr. Carroll deliver beef at the asylum?—A. I have not, and do not know myself what goes there at all. I have seen it piled up, and parties said it was to go there, and what I have seen is composed of necks and shins—what we call ring-bone pieces.

Q. If it was good merchantable beef, would 12½ cents a pound be a fair price?—A. It would have been a good price.

WASHINGTON, February 22, 1872.

HENRY R. SEARLE, sworn and examined.

To Mr. GREEN:

I am an architect by profession; I was the architect of Morrison's buildings, in the improvements recently made there. The total cost of all the improvements, including the furniture and everything supplied in the building, as far as I have seen, has been \$84,000. This includes furniture, spittoons, carpets, and every description of supplies. It includes the construction of the fire-proof building, and everything that has been done, or gone there, except stationery, so far as I know.

Question. What is the amount appropriated for that work?—Answer. The amount appropriated by the legislature was about \$48,500. That was the estimate I made at the time for the appropriation. It was a rough estimate, made up in a few minutes, and intended at the time to include everything. I had no bills then except for the furniture, and the bills for furniture were afterward increased by the amount of \$8,000. The work on the building has been nearly completed. I received a letter, the afternoon I made the estimate, from Mr. McKnight, sending in his bill as far as he had gone, and saying that the legislature was to adjourn that evening, and any estimate for an appropriation must be made at once. Mr. Nailor and I sat down together, and guessed at these bills, that they would amount to about \$50,000; and the amount which was put into the appropriation was about \$48,500.

Q. At what time did the governor know that the amount would exceed the estimate of \$48,000?—A. I cannot tell you now. I think the governor states correctly in his answer that the appropriation of \$48,000 was paid. I may say that I do not know now what the cost actually is, for the reason that, after these bills had been handed in to the governor, the board of public works, or the committee which had been appointed out of that board, undertook to appoint an *ex parte* commission to settle those bills, and I never knew how they did settle them. I know that they cut down some of them to an amount less than I approved, and very unjustly I think, and in one case increased the amount. I audited the bills and approved them, because I believed they were correct; and I believe they are to-day.

By Mr. ELDRIDGE :

Q. Did the board reduce all of them?—A. Not at first; I believe they did afterward, with one exception. They claimed that they were too high. Some of them stated that I was in coalition with the builders or workmen, and making money out of it. That they will have to prove some time. The fact is not so. I never was in any way connected with that sort of transaction, and never will be.

By Mr. ROOSEVELT :

Q. Do you know the amount actually paid or agreed upon?—A. I do not; I know that some of the bills have been paid at a less rate than they were handed in. I do not know how much less.

Q. Who charged you with being in collusion with the workmen?—A. No one directly to me. It was reported to me by persons who worked on the building, that they were asked the question, how much they gave Searle upon that bill.

By Mr. HARMER :

Q. Was this work done by contract?—A. No; by days' work, or what is usually termed jobbing. It was done under Mr. Nailor as superintendent, and myself as architect. I fixed the price when the bills came in to me. My duty was to look the bills over, and see that they were correct, and approve them. There was no bargain made beforehand.

Q. Why did you not make a bargain?—A. Because it was almost impossible to do that, and in having work done by the day, it is never done that I know of.

Q. Do you never agree with men as to how much they shall work for per day?—A. No, sir; I never allow, as an architect, any more than the regular price.

Q. Was there any fixed rate or price agreed on by the board of public works, or by yourself, as architect?—A. Not that I know of. My custom is always to approve such bills as I think right.

By Mr. ROOSEVELT :

Q. Did you think that \$84,000 was right?—A. Yes, I audited all the bills, and I do not think they were extravagant. I think they can be sustained by an honest measurement.

Q. Did anybody have any interest in these bills except the workmen, or those who presented them?—A. Not to my knowledge.

Q. How did they come to charge that you had such an interest?—A. I think it was a personal matter between one of the board of public works and myself. I do not wish to state anything about that, nor to state who he is. I propose to settle that matter with him.

Q. Do you think there were more men employed to do the work than were required?—A. On some particular occasions, perhaps there were. For instance, there might be a portion of the work that could not be attended to for, perhaps, half a day, and yet if the men were discharged, they could not be easily got when they were wanted.

Q. When was the largest number employed?—A. I cannot tell that. The work commenced about the 1st of June, and continued about three months.

Q. Were any of these men appointed by the District authorities?—A. All of the men employed on the building as the bosses of each trade were sent to me by the committee of the board of public works to be employed, and were sent by me to report to Mr. Nailor at the building, and in almost every instance these men had not before been employed on work under my supervision.

Q. By whom were you employed, and at what salary?—A. By the governor. There was no salary named. My compensation was to be the usual percentage of 5 per cent. That is the usual rate everywhere.

Q. Is that included in the \$84,000?—A. I think it is. I could not tell you positively without referring to the papers. It is based upon the whole cost.

Q. Then, under that arrangement, the more you allowed the larger percentage you got?—A. Yes, you might say that.

Q. Is that percentage customary where the work is done by the day or by contract?—A. It is just the same in either case.

Q. Then you received for overseeing this work some \$4,200?—A. My bill was \$3,800. I have not received it yet. I did not include some of the items going to make up the \$84,000 when I made it out, and I said afterward that I would not include them.

Q. Was the suspicion of your having received something from the contractors or workmen in consequence of the large amount the work cost?—A. I do not understand that it was.

Q. Was that work fairly and honestly audited by you?—A. It was, to the best of my belief, and I am better satisfied of it now than I was then.

Q. Who were the committee appointed by the board of public works?—A. Mr. Shepherd, Mr. Mullett, and Mr. Magruder. They were the committee appointed by the governor in the first place. I did not know for a long time that there was but one; that was Mr. Shepherd.

Q. Have you charged 5 per cent. on all the bills for furniture, carpets, and everything of that kind? Is that usual? Did you purchase those articles?—A. It is usual, I think. I gave the order for them. I charged the commission, and I think I should have it.

Q. To whom did you give the order?—A. To Mr. McKnight for the furniture. He is a

furniture dealer, as I understand, in the city. I made a bargain with him as to the price to be paid, specifying the quality of goods to be furnished, and, when the goods came, I looked them over to see that they were of the quality contracted for. A portion of the articles were furnished by Mr. Wight and Mr. Boeteler.

Q. Did you personally attend to the purchasing of these articles?—A. I did not. Mr. McKnight attended to the purchase of those furnished by him, and brought them to the building. He purchased them in New York, I think. Mr. Boeteler bought the articles furnished by him. Many of them he had on hand at the store which he keeps on the avenue. I sat down with Mr. Boeteler in my office, having plans of the building before us, and looked over them, to see how many of the different articles would be required for each room, and he wrote them out. Then he furnished them at the building. I was there at different times, and saw that they corresponded with this order, and I believe he even went to the extent of taking a receipt from the janitor when he delivered them at the building.

Q. Is it customary for the architect to furnish buildings, and charge the same commission that he does on the building?—A. I do not know how customary it is. I know that it is very often done, and that it is my custom. I did it in Rochester, New York, and have done it in other instances.

Q. What portion of the \$84,000 was for the furniture and other articles brought into the building?—A. About \$20,000; and the other \$64,000 is made up of materials furnished, and labor performed on the building itself, including \$15,000 or \$20,000 for the fire-proof building which I recommended. I thought it would be criminal to take the public records into a building that was not fire-proof. The cost of that, however, was not included in the original estimate.

Q. How long have you lived in Washington?—A. About seven years.

Q. What buildings have you had charge of?—A. The Congregational church, the Howard University building, General Howard's house, General Balloch's house, Mr. Blair's house in the country, Mr. Shepherd's house in the country, the building now being erected for the Republican office, and a great many others which I can mention if you desire it. In each of these cases I charged 5 per cent. on everything done or furnished with which I had anything to do, except Mr. Shepherd's, and on that I made a special price of 3 per cent., it being among the first commissions I had here, and I did it as an advertisement; he has since paid me 5 per cent. on other buildings of his.

By Mr. CREBS:

Q. What did you pay a day for the labor employed?—A. From one to two dollars a day for the labor, in proportion to what was to be done and what the men were worth, and from three to three fifty a day to the carpenters, which was the usual price.

By Mr. CRANE:

Q. What was the amount of Mr. McKnight's bill for furniture?—A. I think about \$16,000.

Q. Did he bill that furniture to the District of Columbia himself, or did he act merely as the agent of some house?—A. I am not positive about that. The bill is in existence, and can be shown. I know that the carpets were furnished at a less price than Mitchell would furnish the same things. I went to his store, and looked over the goods, and I think they were 10 cents per yard higher than McKnight furnished them for.

Q. State where Mr. McKnight's furniture store is in this city.—A. I do not know.

Q. Did you know of his having any other business than as a politician and a member of the legislature?—A. I have known of his furnishing other buildings besides this. I know that he has furnished private residences in the city. He furnished Mrs. Rines's house on Twelfth street, and Mr. Hinton's house, the second door from me.

Q. Who did the plumbing work for this building?—A. Shepherd Brothers.

Q. What was the amount of their bill?—A. Between \$6,000 and \$7,000.

Q. What was the first estimate?—A. I think \$4,000.

Q. Has Shepherd been paid?—A. I do not know.

Q. Do you know what was the value of the Morrison buildings before you commenced these improvements?—A. I do not know. It would be a mere guess if I should state any amount. They were large buildings, but pretty well out of repair. When I first went through the buildings, I thought they could be fitted up for a good deal less money. They had been in use for a number of years, and almost every part needed repairs.

Q. You do not know that Mr. Morrison offered the buildings to W. B. Todd at \$40,000?—A. I do not. If he did, I think Mr. Todd ought to have bought them.

By Mr. WILLIAMS:

Q. Do you know that Mr. McKnight is simply an agent of a furniture house in New York?—A. I do not know anything about McKnight's business, only that he was sent to me as a furniture dealer.

Q. Did he sell you by sample?—A. He sold me as furniture dealers usually do. When tables, desks, or anything of that kind are to be furnished, the articles themselves are not shown in advance, but they show a book of furniture-plates, with the prices annexed. The same thing has been done by Moses, when I have been looking for articles in his store.

By Mr. GREEN :

Q. Who sent McKnight to you?—A. He was sent by this committee of the board of public works.

Q. State whether he is now, and was at that time, a member of the legislature?—A. I think so.

Q. State why the amount of this plumbing bill was so much beyond the original estimate.—A. One reason was, that I was told there was a sewer in Four-and-a-half street that would drain that building for the purpose of water-closets, &c. I had the street opened once, and could not find any sewer. Then I was told it was over on the other side of the street, and I had the street again opened clear across it, but found it was not low enough for the purpose of the closets in the basement of the building, and an iron pipe was run the whole length of the building, to be used as a soil-pipe for the purpose of the water-closets in the front part of the building, above the basement, and a sewer run east down the alley to connect with a sewer under Pennsylvania avenue for water-closets, located in the rear and in the basement. I looked over Mr. Shepherd's bill very carefully. I am familiar with plumbing, and I do not think his bill was an exorbitant one.

Q. Were not these changes made necessary by changes in the plan ordered by Mullett and Shepherd?—A. Not that I know of. I do not think Mullett had anything to do about it until after the work was completed.

Q. The Shepherd you speak of is the Mr. Shepherd who is a member of the board of public works?—A. Yes; but I think I ought to say that, in my judgment, the firm of Shepherd Brothers, which is a business house in the city, stands in a different relation, so far as this matter is concerned, from A. R. Shepherd, who is a member of the board of public works. I think that any man holding office under the Government who is connected with a business firm in that way, has the right to sell to anybody but the Government, even if the article goes into a Government building. Mr. Nailor had charge of that work, and I understand that he employed the Shepherd Brothers to do it. I know that he paid them for the work, and I think they had the right to do the work for Mr. Nailor.

By Mr. ROOSEVELT :

Q. Who employed Mr. Nailor?—A. I employed him, by order of the board of public works.

Q. For what?—A. To take charge of the work on Morrison building, and to oversee the work generally.

Q. Had he anything to do with making arrangements, or contracts, or purchases for the building?—A. He had all to do with making the arrangements with the different workmen. He employed directly all the carpenters, painters, bricklayers, and all the men employed on the different departments of the work.

Q. If you had been removed by the board of public works, would that have removed him?—A. No, not necessarily. I employed him as the agent of the board of public works as I would employ any man, and it would not follow, if I was discharged as architect, that he would also necessarily be discharged.

Q. The board of public works could have discharged Mr. Nailor at any time?—A. Yes; they would naturally have said to me they wanted this man discharged, if they wished it.

Q. Then, if A. R. Shepherd was dissatisfied with the contract made by Nailor with Shepherd Brothers, A. R. Shepherd, as a member of the board of public works, could have discharged Nailor?—A. The board could.

Q. Do you think that is a proper arrangement?—A. It is the usual way of doing business.

By Mr. WILLIAMS :

Q. I understood you to state to the committee that the prices of each article furnished were the regular prices at which such articles were furnished by houses in the city?—A. About the same. I took great pains to inquire of dealers in Washington.

By Mr. ROOSEVELT :

Q. Was there any dispute as to Mr. Shepherd's bill?—A. Not that I know of. I know that Mr. Shepherd himself told me recently that the bills had all been cut down. The language he used was, that "Every damned one of these bills had been cut down."

Q. His own included?—A. I suppose so.

Q. He was one of the committee that audited them?—A. I suppose so.

Q. Who composed the *ex parte* commission you have referred to?—A. Mr. Cluss and Mr. Rankin. Mr. Cluss is an architect in the city, and Mr. Rankin is a clerk in the architect's department of the Treasury. I hold that the action of that commission was illegal, and I think the governor is now satisfied of it.

By Mr. GREEN :

Q. Was Nailor employed by this committee?—A. Nailor was employed by me, as I said, by the order of the committee of the board of public works, to take charge of this work. When we employ men by the day, the person in charge of the work usually employs all the different workmen, charging the regular price, and brings in his bill for so many workmen

and so much work done, at such a price, with the amount of material used. He then charges for his own pay 20 per cent. on that amount.

Q. Was he employed by the day?—A. He was employed in the way usually termed "jobbing." There, as I have tried to explain, was no contract. I was not given time to make any contract. I was ordered to go ahead with the work at once and as rapidly as possible. In accordance with the usual custom, he could only receive 20 per cent. on his own bills, but also 5 per cent. on all bills settled by him. For instance, in regard to the Shepherd's bill, he had nothing to do with the labor, but the bill was settled by him, and he was entitled to 5 per cent. on it. I believe he did not charge anything on Shepherd's bill, although he did on other similar bills. He said he would not charge on Shepherd's bill, because Shepherd was a friend of his, and he did not care to increase the amount of his bill.

Q. Did he make out the bills in his own discretion, and charge the amounts to you?—A. No, each individual made out his bill, and Mr. Nailor wrote on the face of the bill his own commission, and the gross bill was made out from that. The bill I approved was the gross one—so much for painting, so much for wood, so much for brick, and so on, but back of that are all these vouchers of items. Every one shows just what was paid in each case.

Q. Had there been any appropriation made when this work was begun?—A. No, sir.

Q. Who told you there was a sewer in Four-and-a-half street?—A. Mr. Morrison and others—old residents about there—told me.

Q. Could you not have ascertained by applying to Mr. Forsyth or other engineers?—A. I think I did apply to Mr. Forsyth, and that he said there was a sewer on the other side of the street, but when I opened it, I found it was not deep enough for the water-closets in the lower story of the building.

Q. How many persons made out bills?—A. I cannot tell you. I think there were two painters, a bricklayer, a lightning-rod man, and various others. All these bills are in existence.

By Mr. CHANDLER:

Q. The Shepherd Brothers are the largest plumbers in the city, are they not?—A. Yes.

Q. They do their work well and at reasonable prices?—A. Yes, sir; it is so considered.

Q. When the governor [directed you to have all the work done, you took the whole responsibility and charge of it, and the board of public works relied upon your ability and integrity to see that the work was done well and at reasonable prices?—A. Yes, sir.

Q. There was no appropriation made at all after the work was done?—A. No, sir.

Q. You approved the bills as they came in, to the amount in the aggregate of \$84,000?—A. Yes, I approved Mr. Nailor's gross bills, but back of these are these vouchers.

Q. And you hold that that gives the contractors a legal claim upon the District for the whole amount, and that the board of public works had no right to cut it down?—A. I think they had no right to cut it down as they did, by an *ex parte* commission.

Q. But they did reduce the amounts of those bills approved by you, and there is a difference between you and the board upon that subject?—A. Not between me and the board; between the board and the parties who did the work.

Q. In that contest, you are on the side of the contractors?—A. No; I am on the side of the governor. I am employed by the governor, but, as an architect, I am bound to protect the working men. I am bound to protect both sides. As an architect, I would not consent to pay for any item of work a cent more than the regular price for that work. The board of public works have a right to cut down these bills, if they determine, on the proper testimony, that they are wrong; but they are bound to allow the builder to come into the building, with a measurer to represent him—the board of public works to have a measurer, and perhaps a third measurer, if the two fail to agree. If these measurers find that the bills are not correctly made out, the board have the right to cut them down; but in this case they appoint a commission of their own men—Mr. Cluss being an officer of the board of public works, and Mr. Rankin being an officer under Mr. Mullett, one of the board of public works.

Q. And you are helping the contractors to get their money?—A. Not at all; I am not asking for the contractors any more than, as an architect, I am bound to do for their protection.

Q. Have you any feeling about the matter?—A. No, sir. There is one man in the board who is trying in every way to injure me and to destroy my character. He has done the best he could to accomplish that, but I do not think he has succeeded.

Q. And you have no feeling about it, but you think the governor is bound to pay?—A. I have not any feeling about it. I think they are bound to pay the working men a fair compensation; and when the board of public works, or anybody else—I do not care who it is—undertakes to cut down the working men below what I believe a fair compensation, I will stand by the working men. I have always done it, and I always will.

WASHINGTON, February 22, 1872.

H. F. DAVIS sworn and examined.

To Mr. GREEN :

I reside in Washington County, I have been a merchant in this city for five years. I am now a merchant in Baltimore. I made a proposition to the governor, in person, to provide groceries for the asylum in this District. I would like to state that I am a friend of Governor Cooke, and that I ought, perhaps, to state the circumstances under which I made the proposition. The substance of the conversation I had was, that I proposed to furnish those articles at 20 per cent. less than they were paying for them. Previous to that, I had been furnishing the asylum. During the month of June, we were still furnishing the asylum, when I went to the North, and came back the middle of July. I then found they were dealing with some one else. I went up to see the governor, and told him I understood the asylum had gone somewhere else to deal; that they owed me quite a bill; that I had no objection to their dealing elsewhere, but that, when one of my customers left, I proposed to square up the account with them; and that there was an amount still my due for goods furnished to the asylum. The governor said if he had known it, he would not have directed the commissioners or intendant to deal elsewhere. He said he thought our place was probably a better one, and that they could probably get goods cheaper of us than where he was dealing. This was about the middle of July, and it ran on so for about a month. About the middle of August I went North again, and when I came back, our bill was still unsettled. We called on the governor again, and reminded him that he had not paid us up the bills. He did not say much about it. I finally said that I proposed to put a proposition into the papers, to furnish goods at 20 per cent. less than they were paying for at the asylum, and my reason was that we were furnishing goods indirectly to parties who furnished the asylum, and I knew they must pay more for them. That seemed to irritate him a little. He got a little mad. He said to me, "Mr. Davis, I believe you mean fight." I said, "No, I am not in favor of fighting." Well, said he, "I am fond of fighting." I replied to the governor that I thought he misunderstood me; that I was on his side. He said, "I believe you intend to play into the hands of the enemy." I remarked that I did not know what he meant; that I was a tax-payer; that I was a wholesale grocer and merchant, and that I supposed he was in favor of spending the District money, let it be ever so little, to the best advantage. He said he was, but that he thought my making a proposal through the papers was a declaration on my part that I intended to play into the hands of the enemy. I said that I did not know about the enemy; that I took no part in the matter, and proposed to allow the whole thing to drop.

Q. You have spoken of goods coming from your store, which were afterward sold by other parties to the asylum. Let me ask you whether you offered to furnish herring to Mr. Hodgson, the intendant of the asylum, at \$3 50 a barrel?—A. I offered to do it for \$3 a barrel.

Q. Did you hear of these herring being sold afterward by other parties to the asylum?—A. I heard they were.

By Mr. WILLIAMS :

Q. Do I understand that you proposed to furnish these goods at 20 per cent. cheaper than you had previously furnished them?—A. My proposition was to furnish them 20 per cent. less than they were being furnished for. That evening I wrote a letter to the governor, in which I told him I did not intend to play into the hands of the enemy, but that I would furnish the asylum with groceries at 20 per cent. less than they were paying.

Q. How long did you furnish them before?—A. During Mayor Emery's administration.

Q. You did not propose to furnish them 20 per cent. cheaper than you did then?—A. No; 20 per cent. less than was now being paid.

By Mr. CHANDLER :

Q. Did you know how much the commissioners were paying at that time?—A. Not positively. I knew that we were selling goods to parties who sold them again to other parties, who furnished them to the asylum.

Q. What other goods besides herring?—A. There were some other articles.

Q. Had you any knowledge of the prices being paid by the asylum at the time you made that statement?—A. I proposed it, to a considerable extent, on my knowledge of the capacity of the man who was furnishing. I knew the man did not buy goods as cheap as I did, because I was selling goods that went into his hands. He used to buy of me, and I would not furnish him goods upon credit.

Q. When you were furnishing the asylum, did you furnish articles at 20 per cent. below the prices paid by this other party?—A. I cannot say that. We furnished goods at about 7 per cent. above cost, and I know that was cheaper than we would sell them to this other party. There was a great difference in the market in the price of certain kinds of goods. There were articles that cost 50 per cent. now less than they did then.

By Mr. ELDRIDGE :

Q. Now please answer the question as put. Without any reference to any per cent., or

any variation in the market, did you furnish goods, when you were supplying the asylum, at 20 per cent. less than they are now being furnished?—A. I do not know what he furnishes them at. I could not answer the question. I do not know what prices they are paying for general goods. I considered my offer to the governor a close one. We do not intend to make out of our general customers over 5 or 7 per cent.

Q. Did you offer Governor Cooke to furnish goods 20 per cent. less than you furnished them previously?—A. No; I expected to furnish them at about the same price we had previously furnished them at. That offer was made in good faith, and if I had lost money by it, I should have furnished them at that rate. I told Governor Cooke I would furnish them at 20 per cent., and that I expected to make 10 per cent. profit then on my goods. I did not know that I should get it, but I made the offer, and was willing to take the risk, even if I lost by it. I expected to make as much, or more, than I had made when I was furnishing under Mayor Emery.

By Mr. ROOSEVELT:

Q. Did the governor, in that conversation, refer you in any way to the contract the commissioners had made, or did he himself take the responsibility?—A. When I saw him in July, he said he would lay it before the commissioners.

Q. With whom did you deal when you were furnishing the asylum?—A. I dealt with the same intendant who is there now.

Q. Was Governor Cooke in office in June, when you were supplying the asylum?—A. I think the change of administration was made the 1st of June, but I had no negotiations with him. I dealt with the institution itself. After I returned, I met the intendant and asked him why he had stopped dealing with us. He said I had better go to the governor. He said that it was his choice to deal with us; that we were wholesale grocers, and that we had furnished the goods in the past year better than they had obtained them elsewhere; and that it was not a matter under his control; and that we had better go to the governor.

By Mr. HARMER:

Q. When you went to the governor, did he also say that he would rather deal with you than any other person?—A. He said if they had known they were dealing with us, he would not have directed any change.

By Mr. POLAND:

Q. Did you know at the time that they were paying more to other people than they had paid you?—A. I asked the intendant about certain goods, as to what they were paying. I thought, perhaps, they were being furnished for less.

Q. Was the amount more than you had been furnishing them previously?—A. I could not answer that, except in respect to certain goods.

Q. Do you know that they paid these people more than they had been paying you?—A. I know, in respect to the article of fish, that we were selling to another store, and that the other store sold to a man who supplied the asylum. I do not know this of my own knowledge; I only know that the goods were rolled out of our cellar into the wagon of the man who supplied the asylum. I do not know what he did with them.

By Mr. ELDRIDGE:

Q. For what did you sell herring to the asylum?—A. We were governed by the market. I think we sold from \$7 a barrel down to \$5.

Q. Did you sell any at the price you offered them for to the intendant afterward?—A. I do not think we did. The market price of those goods went down in the month of June.

Q. Was the price you sold the herring for, which you suppose went into the intendant's wagon, a fair market price?—A. It may have been a fair market price. We sold them for more than we would be willing to pay for the same article. They were goods we wanted to get rid of.

Q. You want to get rid of all your goods, if you can sell them at a fair profit, don't you?—A. There are certain classes of goods considered staple articles. We sell all goods, of course, at a fair price; we never sold anything to any one at anything but a fair price. I think we sold these goods at \$4 a barrel. It was \$4 or \$4 50, and but I offered the intendant, to close out the balance, at \$3. When we had the asylum to furnish, we bought a certain class of goods for that purpose. We had bought these goods six months before, with the idea of selling them to the asylum. I do not remember what we paid for them. They were bought in November or December. I think the market price at that season varied from \$5 to \$7 a barrel. In the spring of 1870, when we were furnishing under Mayor Emery, these herrings sold at \$7 50 or \$8 a barrel, but in June, 1871, we were selling at \$5, the price having been greatly reduced.

Q. Were these the same kind of herring you offered to furnish at \$3?—A. Yes; we offered in July to furnish them at \$3.

Q. Did you furnish any to the asylum at \$3?—A. No, sir.

Q. Did you ever furnish them at a less price than they are being furnished for?—A. I think we furnished some in the neighborhood of \$5.

By Mr. CHANDLER :

Q. How many barrels of herring were in this lot which you sold, and, as you supposed, afterward went to the asylum?—A. I do not recollect; I think we sold 10 barrels at one time, and we sold afterward to other parties, which we supposed went to the asylum.

Q. How many in all have you any reason to believe went to the asylum?—A. I do not know; I do not know that any went to the asylum.

Q. Give some estimate; was it 20 barrels, or 30, or 40?—A. I could not even say that; I remember the 10 at one time. I know they were rolled out of my store, and rolled into the wagon of the man who supplied the asylum. I could not tell you how many were furnished without referring to our books.

Q. Can you state within 20 barrels?—A. I could not tell without referring to my books.

By Mr. ELDRIDGE :

Q. Did this offer to sell to the governor at 20 per cent. less than they were being furnished at, extend to everything in the line of groceries that was wanted?—A. Yes.

Q. How many groceries were you in the habit of furnishing to the asylum?—A. \$8,000 to \$10,000 worth a year, in previous years.

By Mr. HARMER :

Q. In your line of business, do you consider herring perishable merchandise?—A. I do, at certain seasons of the year.

Q. Was that the reason that you offered them at \$3 a barrel?—A. That was one reason.

By Mr. CREBS :

Q. What did this intendant tell you he paid for this fish, which you sold at \$4 a barrel?—A. I do not recollect now; I think he said about \$6; I am not positive.

Q. Do I understand you to say that when you were furnishing goods to the asylum, you furnished them at an advance of 5 to 7 per cent. on the cost, and that you proposed to furnish them to the governor at 20 per cent. less than the present contractor is receiving, and still make 10 per cent.?—A. That is what I told the governor; that was my idea.

By Mr. CHANDLER :

Q. Did the governor or board of public works ever have any of these herrings to your knowledge?—A. I have an idea they do not eat much herring.

Q. Was \$3 a barrel less than these herring cost you?—A. Yes; I think they cost \$4 or \$4 50 at the time we bought them.

By Mr. GREEN :

Q. Did the governor explain what he meant by saying you were going over to the enemy? To whom did he refer as the enemy?—A. I do not know to whom he referred. I think I asked him what he meant, and he referred me to what had been going on at the City Hall.

Q. Do you know whether he referred to the injunction cases when he spoke of what was going on at the City Hall?—A. That's what I supposed he referred to.

WASHINGTON, D. C., February 22, 1872.

J. C. HALL sworn and examined.

To Mr. GREEN :

I am a physician, and live in Washington. I have lived here fifty-eight years, and practiced forty-five. I have, both as a physician and as a citizen, had occasion frequently to turn my attention to the Washington Canal.

Question. A document has been placed in evidence containing a letter from you. State to the committee whether you are still of the opinion expressed in that letter?—Answer. I am, and still more confirmed as to the importance of it, in consequence of what has been done to the canal this last year in filling it up.

Q. Please state your views as to the effect of filling up the canal.—A. I cannot do that unless the committee will permit me to go back some fifty years. It is of importance to recall the fact that this canal occupies the site of a natural water-course, provided by nature for the drainage of a shallow basin extending probably from N street north to B street south. I refer more particularly to that part of the canal between Third and Seventeenth streets, embracing, according to a rough estimate I made upon the map, about four or five hundred acres. At almost any point in that basin, if you will dig down from eight to twenty or thirty feet, you will strike, at varying depths, loam, sand, gravel, or water-bearing soil, through which the water gravitates to the most depending point, which was formerly Tiber Creek, and is now the canal. It is a very dangerous thing in my judgment to interfere with drainage which nature has provided; I fear the public health will be very much endangered if the plan which has already been partially executed, and which is proposed to be carried out, should be consummated. Tiber Creek, according to my recollection, was

a stream of very considerable depth of water, six or eight feet at least. When I was a boy, I have seen large schooners coming up as far as Fourteenth street. A great deal of the free-stone that was put in the center of the Capitol was brought in boats through the canal, and I remember to have seen it lying on the banks of the canal in masses weighing tons. What was called Tiber Creek extended from Third to Seventeenth streets, communicating with what was called Goose Creek and James Creek. Goose Creek is now covered with a culvert, which crosses the avenue, and James Creek is where the canal tends to the southeast. At Third street a junction was formed and the stream beyond that formed the Tiber. James Creek ran southeasterly and at high tide communicated directly with the river. Now, what I want to say is, that if this canal is filled up, and a sewer of whatever capacity is substituted to carry off the water, it will obstruct this sub-soil drainage and leave no way for carrying off the water which percolates through the water-bearing strata I have mentioned; producing a subterranean marsh beneath our feet, which will not only endanger the health of persons living along the line of what is now the canal, but will extend in every direction. I remember seeing it stated some time ago, in the report of the board of health in New York, that whenever an epidemic appears there it attacks with unusual severity Canal street, and the site where the halls of justice now stand. This is attributed to the fact that Canal street was once a creek called the Collect, and that where the halls of justice now stand was formerly a pond called Fresh Pond, and although that is filled up twenty or thirty feet above its former bed, they believe the influence of it is prejudicial to health. In the last report of the Massachusetts board of health, it is stated that it is a great mistake to suppose that, by covering a marsh with a few feet of soil, you can prevent the escape of the noxious gases beneath; that the soil, however compact, contains air, and will hold water to the extent of a quarter or third of its bulk, and that there is a constant interchange of the gases beneath with the air above. During all the forty years of my practice as a physician, I have lived on the avenue, between Ninth and Tenth streets. Before the canal was made, the shores of the creek and shallow marshes were covered with vegetation, and intermittent fever was prevalent on the south side of the street. As far back as 1820 or 1830, sometimes persons were sick with chills and fevers in almost every other house on the south side of the avenue. But as soon as the canal was completed, there was no more healthy portion of Washington than the south side of the street; and even the present filthy condition of the canal does not generate disease, because it is overflowed twice every twenty-four hours at high tide.

By Mr. ELDRIDGE:

Q. Does not that type of disease prevail to a much less extent than it did at the period you speak of?—A. No, sir; on the outskirts of the city it is just the same. Those beautiful heights which overlook the city were last year especially infected with malarial disease. The cause of that is, that when you get out as far as N street north, between that ridge and these beautiful heights of Columbia College and Meridian Hill, there is a shallow basin extending from about Ninth street to Rock Creek, where there is no natural drainage. The soil is very sterile, sour clay, producing nothing more than grass, and, as a natural consequence, it is prolific of malaria, which is carried from that point with the southwestern winds to these heights. Meridian Hill has always been notorious for its chills and fevers.

Q. I have heard it suggested that, in the immediate neighborhood of this canal, the low grounds adjoining are more exempt from malarial diseases than the higher grounds back. Is that true, and, if so, how do you account for it?—A. I think the healthiest part of Washington may be said to be the ridge which extends from the Post-Office to the old State Department. But when you get out into the northwestern part of the city, into this basin I have mentioned, you meet with malaria again, and the vapors are carried to the heights of Meridian Hill.

Q. Do these vapors arise near the river, and are they carried back by these southwestern winds?—A. No, the malaria arises in that basin I have described.

Q. What would you say, for instance, of the health of Missouri avenue?—A. Missouri avenue has always been very healthy. I have practiced among families in that vicinity, and although they were nearer the canal than any other respectable houses, yet they had no peculiar liability to disease. The canal near by has been a marsh, but has not been a source of disease, because it is overflowed every twenty-four hours with the rise of the tide.

By Mr. GREEN:

Q. What would be the effect of dredging the canal, and keeping it dredged out, four or six feet deep?—A. I believe it would contribute very much to the health of the city, and it certainly would not be a cause of disease; I believe the canal could be made not only the means of health, but a source of profit and ornament to the city. This can be done by reopening the Chesapeake and Ohio Canal from Seventeenth street to Georgetown, and bringing through it every twenty-four hours from 18,000,000 to 20,000,000 gallons of water from Rock Creek, as pure as any spring water. In 1850, the water of Rock Creek was measured, above Georgetown, by Colonel Hughes, and it was ascertained that during the dry season 20,000,000 gallons of water came down. In October, 1852, General Meigs repeated the survey with more care, and more accurate instruments, and reported 19,000,000.

Q. Do you mean that you would circulate this water the whole length of the canal?—A. Yes; that could be done by erecting a dam at the western outlet.

By Mr. ELDRIDGE:

Q. Will the arch covering Tiber Creek, provided there is sufficient room for the water, have any effect upon the neighborhood?—A. It would entirely obstruct the sub-soil drainage, which it is important to provide for, I think.

Q. According to your idea, would it not percolate through and escape?—A. No, sir; how can it when a part of the avenue is only eight feet above tide-water?

Q. It will not go into the arch?—A. That cannot be possible, because it is a cemented sewer.

Q. What is the soil along the bank of the canal?—A. I have observed for years very closely the cuttings wherever they have been made for cellars, cisterns, or wells near the avenue, where I live, and you either come to loam or very beautiful sand, with percolating springs or gravel, or what we call water-bearing strata. South of the avenue, you come to this water-bearing strata in from eight to twelve feet. The water falling on our streets, yards, and alleys becomes impregnated with every kind of animal and vegetable filth, and is only prevented from being a source of disease by being constantly replenished and displaced by every rain which falls.

Q. Does not that water-bearing soil extend all along to the Potomac?—A. I doubt if it does.

Q. Supposing that the same strata prevails from the point where this drainage would come into the Tiber if it were not cemented up, would not the water be carried off through this water-bearing soil you speak of to the Potomac?—A. That would be a partial relief, but the water would have to find its way contrary to the course nature has provided for it. From Third street, for instance, it would have to travel a mile over a dead level, instead of finding its way into the canal immediately by it. When I was a boy, what is called the "White Lot" formed almost a bluff at the mouth of the creek—ten or twelve feet above tide-water. It appeared to be, as far as it was exposed, composed of firm, pure clay; but when you come to about Fourteenth street, and along down Pennsylvania avenue, there was, originally, very little more than a marsh. I well recollect, when I was a boy, that it was almost impassable; near where Wall's theatre is, there was an inlet where I have fished.

Q. This water which pervades the under-soil you speak of is not impure, is it?—A. Of course, it must be impure, coming as it does from all the streets and alleys.

Q. It comes from the rains?—A. Yes, but it passes through the soil, carrying with it any impurity it takes from the surface; but as it passes off, it is constantly refreshed and replenished by the rains.

Q. For instance, if the water started a considerable distance above Tiber Creek and run down through this soil you describe, would it not become purified on its way by filtering through the gravel and sand?—A. To a considerable extent, yes.

Q. So that it would become pretty much cleansed by the time it gets into the Tiber?—A. I suppose so.

Q. Then this water coming down the Tiber cannot be very filthy, noxious, or liable to breed disease?—A. I have no reason to think it is.

Q. And if the Tiber sewer is sufficiently large to carry off the water without breaking up, is the health of the city endangered by its being closed?—A. If you can construct a sewer which is capable of carrying off all the water which gravitates to that point, then, of course, the water will not remain in the soil, a source of disease.

Q. Is it not proposed to make drainage along the side of the canal?—A. If you put down a closed, cemented sewer, I don't see how the water is to get into it from the sub-soil strata.

Q. If the same soil through which the water percolates to the Tiber prevails and extends all the way to the Potomac, then it will work its way through there, will it not?—A. That is a very doubtful experiment. Nature has provided the inclination of these strata, and we cannot alter it. Indeed I am not sure that in carrying the water from Third to Fourteenth street, it would not have to run upward to escape.

Q. Do they not sometimes think they improve drainage by artificial means?—Yes, sir.

By Mr. ROOSEVELT:

Q. Are you acquainted with the cut through F street?—A. Yes.

Q. Do you think the effect of that will affect the health of the city one way or the other on each side?—A. That is a point on which I shall be very glad to give an opinion, for my views in regard to it are very positive, though I find very few persons to agree with me. The plan which seems to be advocated and carried out to some extent, in this city, is to contract the roadway, and to provide either a grass-plat or terrace in front of the houses. It looks very pretty, and I have no doubt that in an artistic point of view it will add to the beauty of the city, but absence of moisture in houses is absolutely necessary to health, and if you have a grass-plat in front of your house coming up to the brick walls, it is, in effect, a huge sponge, collecting and retaining the moisture, which will render the cellars and basements damp and unwholesome, unless the walls shall have been especially protected and made water-proof. The terraces are still worse. No man, unless his cellar and basement

walls have been made water-proof, ought to have one foot of cultivated ground or grass within 15 or 20 feet of his house.

Q. Is not the effect of cutting down the streets to leave the houses standing high and dry, and to afford a declivity for more perfect surface-drainage from the houses and yards?—A. Yes, if you do not leave terraces and grass-plats in front of the house, it would certainly be no detriment to health.

Q. You would not have any grass-plat around any house?—A. I would not, unless the walls were water-proof. What I mean to say is, that I would not have any soil near the walls of my house that would absorb and retain the water, so as to make the basement or cellar walls damp. On this subject I refer the committee to the last report of the State board of health of Massachusetts, in which they express the opinion that a law ought to be passed prohibiting the basement of any house being rented for persons to live in.

By Mr. CHIPMAN :

Q. Does the theory you state apply equally to suburban residences?—A. Yes.

Q. Then you would not advise the forming a lawn, or any grass-plat, or cultivated ground near the house?—A. If it comes within ten feet of the house, the effect will be injurious to health, unless the walls have been sufficiently prepared to prevent the penetration of moisture. This applies as well to houses in the country as in the city.

By Mr. ROOSEVELT :

Q. There has been testimony to the effect that, to cut down a street ten feet, which is in other words to elevate the houses to that extent, would make it more healthy; is there any foundation for this statement?—A. There is this foundation for it: that the higher rooms are above the ground the more healthy they become. That has been observed especially of Asiatic cholera and intermittent diseases.

Q. But if terraces are left around the house, then you think the effect is the other way?—A. Of course. The fact of the street being cut down, if terraces and grass-plats are left around the house, is of no consequence whatever. Of course, so far as surface-drainage is concerned, the water will be let free to pass off.

By Mr. ELDRIDGE :

Q. Would not the natural effect of cutting down the streets five or ten feet below the surface of the ground, be to make the basements drier?—A. It would be, provided you did not have a bank of earth against the house.

Q. Would not these banks be drier than if the whole surface remained level, and there was no drainage to the street?—A. It would, provided it was covered with a pavement as it had been. But they have removed the pavements and substituted a bank of earth covered with grass.

Q. The bank was there before?—A. It was; but was covered with a pavement almost impervious to moisture.

Q. Is there any difficulty in keeping the grass alive and growing without frequent waterings upon these terraces?—A. Of course, in the dry season these require to be watered.

Q. Then, where the grass would have grown before they were cut down, it will not grow without watering, does it not follow then that the tendency necessarily is to make the pavements drier?—A. I suppose cutting down the streets would have that effect if you didn't leave the bank against the house. I would not do that, as I said, unless the cellar walls were made water-proof, or protected by puddling against them, or in some way to render them impervious to water.

By Mr. CREBS :

Q. Have you examined the Missouri avenue sewer?—A. Yes.

Q. Do you know the size of it?—A. I have been in the habit of walking down there very often, and noticed it particularly. It is of irregular shape, I should think about 6 feet by 7.

Q. Suppose you close the canal the whole distance, and continue that sewer from the point where it commences to Seventeenth street, in connection with the river, what is your opinion as to its offering sufficient drainage to the city?—A. I have no idea that it will. There are gentlemen here who are much more capable of answering that question. In 1865, Mr. Cluss, whom I see here, made a very scientific report on this subject, which seems to be entirely forgotten. It embraces all the data on the subject, and the plan he advocated I should consider a very good thing. In that report he says a sewer would be entirely inadequate to carry off the water, and he proposed to have two sewers, one running to the east and one running to the west, to carry off the drainage of the city, and thus leave the canal open to carry off the surface-water.

Q. How much rain falls here?—A. I have known eight inches within twenty-four hours.

Q. Do you know how much the canal would carry off, as it is now, if dredged?—A. I don't know. The canal varies in depth and width.

By Mr. GREEN :

Q. Have you examined the Tiber Creek sewer, now being constructed?—A. Yes.

Q. What is your opinion as to the capacity of that sewer for carrying off floods, such as sometimes occur here?—A. The capacity of a sewer is measured by the smallest part of it, wherever that may be. In October, 1870, the sewer which runs under the avenue, with which this new sewer connects, was insufficient to carry off the water, which rose three or four feet above the street in the vicinity of A street, overflowing Mr. Purdy's houses there.

Q. What effect would filling the canal between Third and Seventh streets, from the curve at the Botanical Gardens, have in respect to increasing the danger from a flood?—A. No effect. The obstruction was from the avenue sewer. It was insufficient to carry off the water which had fallen, and had nothing to do with anything south of that. If it had had an ocean to pour into, it would have made no difference. The surface-water which collects at that point is not only that from the city emptying into what is called Goose Creek, and which is a part of the drainage of the city, but it goes away out into the country, beyond where Judge Chase lives, and to the Old Soldiers' Home.

Q. Would your theory in regard to this natural drainage apply also to the treatment of Goose Creek or the Tiber, north of the avenue?—A. Only partially. I think there is a different geological formation there.

Q. You think it is a proper improvement to arch the Tiber north of the avenue?—A. I think so. I think it might have been delayed until the drainage of the northern part of the city, which has become so valuable for residences of the very best people, about the present State Department, had been provided for.

Q. Is not that being provided for by the Slash Run sewer which empties into Rock Creek toward Georgetown?—A. I think that is too far south to meet the wants of that section. It should run along that basin which is north of the State Department. There is a very shallow basin which lies between N street and the foot of Meridian Hill, the natural outlet of which is into Rock Creek, somewhere near the old paper-mill.

I would mention another thing. I wish the committee to understand that I am personally disinterested in this matter. I have never held an office of any description or made a dollar out of the Government or corporation in my life. I am perfectly independent in every respect, and these opinions I am giving here as a citizen, and with what little knowledge I have as an expert. I do think that a very serious calamity is impending over this city. I think that before these very important changes are made, the most competent authorities in the country ought to be summoned here to give their opinion in the matter. After we have heard their report and the reasons given for it, it will be time to determine upon the character and necessity of these large improvements, of which the public have received no definite information as to what they are. I have taken the greatest interest in these matters, and yet I am more familiar to-day with the character and plans of the large improvements going on in New York City than I am with our own. I take the New York papers and read the reports of such engineers as General McClellan, General Viele, and others employed in that city.

Q. Whom do you suggest as competent persons to be consulted?—A. There is a gentleman in Boston. I have never seen him, and never had any communication with him. My opinion is formed from what I have seen of his writings and have heard of him. I refer to Dr. Bowditch, who is the principal author of the very valuable and elaborate report of the State board of health of Massachusetts. General Viele, (whom I never saw but once,) in 1864 or 1865, submitted a very elaborate report to the Committee on the District as regards the improvements of Washington. He succeeded in getting an appropriation to carry out the preliminary surveys. He states that that appropriation was made in the civil and diplomatic bill, and was lost in consequence of the bill itself being defeated. He is an engineer now of the board of health of New York. He writes that this could be made the most beautiful and salubrious city in the world. I believe that is true. He spent considerable time here.

The committee can observe from the window of this room that section of the canal which is being closed up. They commenced last fall, when the canal was nothing more than a rank marsh, overrun with vegetation. You can see from this window that they have covered up this marsh not more than two feet deep. And they have covered it to a great extent with the sweepings and scrapings of the streets, leaving the marsh itself beneath. The ingenuity of man could not have devised a more fruitful source of disease than they have provided.

Q. Would you not have filled up the marsh?—A. Not until the vegetable and animal matter in it had been removed and drainage had been supplied. Without that, I should have considered it as burying beneath my feet a secret source of disease.

Q. Would it have been dangerous to fill it up with proper earth?—A. It should first have been edged out and drained properly, and then it might have been filled up with less danger.

By Mr. ELDRIDGE:

Q. Is it not a very common thing to fill up a marsh?—A. It is not to fill up a marsh formed of a natural water-course.

Q. You think, then, it would be dangerous to fill up along the banks of the Potomac River to make wharfage unless you first take out the soil containing vegetable matter?—A. Yes, it would, unless it was open to drainage.

Q. But it is a very common thing in cities, is it not, to fill up marshes like that?—A. do not think it is, unless you have connection with a water-course through which the water can find its way off. I do not think it is a common thing to fill up a stream filled with vegetable matter, and leave it there just beneath your feet.

Q. If the plan of the board of public works is adopted, is it not intended to have a drain from Tiber Creek into the Potomac?—A. All I know about that is, the testimony given by General Green to this committee, that he proposed to carry a sewer from Third street to Twenty-seventh along the banks of the river.

Q. That is the Tiber Creek sewer?—A. All I know of it is from the testimony you have received.

Q. Is that not a part of the Tiber Creek sewer?—A. No, sir.

Q. Where is that to end?—A. The Tiber Creek sewer goes into the canal just immediately at the Botanical Garden; it passes under the Botanical Garden; in fact, goes into the canal; and from this into the Eastern Branch of the Potomac.

Q. If that has sufficient capacity, will it not furnish this drainage which you think is necessary?—A. If it has sufficient capacity, it will drain that portion of the city now drained by the Tiber Creek—that part of the city which runs up by the railroad depot. There is another point which is of serious importance. They have commenced narrowing the canal, reducing its width from 150 to 75 feet, which, I think, is a very great mistake. They have driven piles on the north side, which at low tide have their heads a foot or more out of water. The string-pieces are out of water entirely at low tide, and the timber is subjected to the condition of being alternately wet and dry, which will necessarily cause a very speedy decay, and be a prolific source of disease, although that will be materially lessened from the overflow of water twice every twenty-four hours. Then, on the other hand, they have contracted and are taking in a small island, which was artificially formed in the construction of the canal, where they may reclaim eleven acres of land. They have also constructed a causeway, with the intention of throwing a bridge across it and connecting it with the President's Square and mainland. In this way they have converted this land, which was previously subject to overflow by the tide, into a closed marsh, and if it does not produce disease I do not know what will.

By Mr. GREEN:

Q. Have you examined the walls of the canal?—A. Yes. They are constructed upon these pile foundations, which already show evident signs of great weakness. They have driven piles, which are covered with sheathing, along Seventeenth street, and have filled in, in the rear, with mud taken up with their dredging-machines. Any one who goes down there must see that it is already yielding and cannot possibly stand.

Q. In order to avoid this impending calamity of which you speak, that is likely to be caused by what they have done to the canal, will it or will it not be necessary to undo what they have done and clean it out?—A. The plan has been recommended to change the direction of a part of the canal, and run it in a direct line from Seventh street to Maryland avenue bridge, and as they have already filled up this portion of the canal, I should now be in favor of carrying out this plan of Mr. Severson's. My plan was to dredge out the canal. According to a calculation made by me, less than 300,000 cubic yards of earth would have to be removed to make it of a uniform depth of six feet. The canal would then be overflowed twice every twenty-four hours, and 20,000,000 gallons of water from Rock Creek could be carried through it every day; besides that, from thirty to fifty million gallons of Potomac water when the capacity of the Potomac water-works has been increased. With this arrangement it never can be, in my opinion, a source of disease. Then, in regard to this plan of flushing. It ought not, under any circumstances, to be permitted; for its practicable and inevitable result of washing out so large a deposit of solid matter is to form bars in the river. Mr. Wise, who has paid great attention to this matter, estimates the amount at 15,000 cubic yards every year. By a dredging-machine, I am informed that when the canal has once been cleared out, it can be kept clear for \$5,000 a year. A large portion of the material dredged out consists of sand, which is valuable for building purposes, and nothing is better than that for paving purposes.

By Mr. CHANDLER:

Q. What business have you been engaged in?—A. I have been a practicing physician, and have never been engaged in any other business in my life.

Q. You have never been engaged in constructing or superintending the construction of sewers or drainage?—A. I have superintended by being a very diligent observer and by reading a great deal on the subject.

Q. You have never been practically connected with the work?—A. No.

Q. You were in favor of keeping the canal open the whole width?—A. I was. At one time I expressed the opinion that it might be narrowed, supplying a place to put the deposits from dredging; but I have now changed that opinion, and think the canal ought to have been kept at the original width. It would not only have been useful, but, with proper arrangements, would have been far more ornamental to the city.

Q. Your views are fully stated in your printed pamphlet?—A. Yes, with the modification I have stated in regard to narrowing the canal.

Q. I understand you to say, in your pamphlet, "that the avenue, from Third to Fourteenth streets, has been as exempt from malaria and zymotic endemics as any other portion of the city." What is zymotic?—A. Diseases caused by malaria and external agencies.

Q. You say, further, "Water absorbs and neutralizes malaria, animal and vegetable poisons; the sun rarifies and the winds dilute and dissipate the miasma that may arise. The green scum now seen upon the exposed surface suggests disease, but it is in fact a living plant, that can only be noxious when, from want of water, it dies and decays." Then your idea is, that, take the case as it stands, the canal, even without dredging, is in a better condition, as regards health, than it would be by filling it up?—A. Yes; I would rather it should remain as it is than to be filled up. It is offensive to the eye; it looks as if it ought to be a great source of disease; but I would rather have that marsh visible, exposed to the purifying effects of air and water, than to have it buried beneath me.

Q. Is not disease produced by the evaporation and drying up that you speak of?—A. What I mean to say is, that when you have vegetable matter which is living, it is not a source of disease; and I say that the green scum which appears upon the muddy surface of the canal, although it is unsightly, and looks as if it ought to be a source of disease, yet if you will examine it with a microscope, you will see that it is a very beautiful living plant. When it dries up, it decays and produces disease.

Q. Do you believe there is less danger from the canal when this process is going on and the evaporation and malaria are escaping in the air than if the canal was filled up?—A. Before the canal is filled up, this vegetable matter is kept alive by the constant action of the water; but after you cover it up, the vegetation dies, and is decomposing beneath the surface.

Q. Let me ask you whether a large portion of what is known as the Island was not formerly a marsh?—A. No, sir, I believe not; I think that it is very much an aluminous formation. I recollect when they dug the foundation of the Washington Monument, extending some fifteen feet below the surface, it was a very firm, pure clay. Besides that, if you will go down to the bank of the river, where the bluffs are from twenty-five to thirty-five feet high, you will find that the cuttings are pure clay to the bottom.

Q. Where was the line of the creek near Pennsylvania avenue?—A. I can remember when the creek reached out to C street between Fourteenth and Fifteenth streets, and it came up nearly to Pennsylvania avenue at Ninth street, where the market-house is.

Q. Now, take the south side of Pennsylvania avenue. Are not a large portion of the lots made land? If you dig down from six to ten feet, do you not come to vegetable matter?—A. Yes; but that is not made by the hand of man. It was originally covered with water.

Q. What is the depth of soil over this vegetable matter south of the avenue?—A. If you will allow me to go north of the avenue, where I live, I can give you a more definite answer. Some years ago I wished to have a rain-water cistern in my yard, and on cutting down some eight feet the person making the excavation came to a water-bearing soil, and could not go any deeper. He laid his foundation with a double thickness of brick. In the morning, when he came back, he found all his bricks in a pile, in consequence of the water rising in the excavation. On the south side of the avenue, where Shepherd's building is erected, the foundations were laid upon very heavy timber, and, for the second house from there, I can remember where they drove piles to erect it on.

Q. Then, underneath, six or eight feet in depth, is the water-bearing soil of which you speak?—A. It is not to be found everywhere. Sometimes you come to sand and gravel.

Q. Is it your idea that there is a soil which is not impervious to water, through which there is an underground drainage constantly going on?—A. Whether it is sand, gravel, loam, or a water-bearing soil, the water passes off through this underground drainage into the canal, and any interference with that I regard as injurious.

Q. What is the average depth of earth on top of this soil?—A. That depends entirely upon the portion of the surface you examine; as you ascend, it rises with the ascent. I recollect when they constructed the sewer on Twenty-ninth street, when they got down about thirty feet, they came to a beautiful stratum of sand, filled with springs of most delicious water.

Q. Showing that the water from above had been passing off under ground?—A. Yes, sir.

Q. Is the average depth between Pennsylvania avenue and the canal, before you reach this water-bearing soil, about four, five, or six feet?—A. Yes, I should say fully that. I observed, when they were cutting the foundation of the Missouri avenue sewer at Third street, they came to a stratum of sand, and when they came to the termination, on Sixth street, they came to the water-bearing stratum, as I term it, at a depth of, I suppose, eight feet.

Q. This process that you spoke of as a natural underground drainage, carrying off the water which produces disease, has the effect of preserving the health of the city, and you think it would be interfered with by filling up the canal?—A. I do.

Q. Explain more fully to the committee why it is that, if in place of an open water-course there is a system of sewerage perfected, this underground percolation is to be interfered with.—A. I do not see how it is possible for you to construct a sewer of cement so that the water will find its way from the ground into the sewer; it will take off the surface-water.

Q. If the strata through which the water percolates are above the sewer, will it not get into it through the openings?—A. It will be unlike any sewer I ever heard of if it will. The

openings into the sewers are on the top of the ground, connected with the gutters, which convey the water from the surface. I cannot understand how you can make an opening in a sewer which will receive the underground percolation of water.

Q. Then your idea is that these strata you speak of are below the sewers?—A. Sometimes below and sometimes above. I think it a very dangerous thing to fill up a water-course which originally served the purpose of carrying off this underground drainage.

Q. You think it is necessary to keep the canal open?—A. I think that keeping the canal open will be very necessary to the health of Washington.

Q. You think the water coming from the yards, alleys, and streets, which percolates through these strata under ground into the canal, will not continue to percolate unless the water-course is left open?—A. I am very certain of that.

Q. You do not believe there can be any substitute for the open canal?—A. No, sir.

By Mr. CHIPMAN:

Q. I understand your theory to be that this water under ground passes, by the action of gravitation, to the nearest depending point, that is, the bed of the Tiber, which is now the canal. State whether, if the canal were filled up, that water would not find its way gradually along what was the bed of the Tiber until it reaches the river; or would it lie along that bed without passing off under ground?—A. It is possible it might find its way. I should think it would be a very doubtful experiment to hazard it.

Q. Did you ever examine the strata underlying the bed of the Tiber?—A. I do not know what the natural inclination of the strata toward the river may be. I cannot answer distinctly.

Q. In order to complete your argument, you must show that the water will not continue to pass off through the soil if the canal is filled up.—A. I should say that it would belong to you to show that it would pass off. Here is the point; if your plan fails, it is fatal to the city; if mine fails, it does no harm.

By Mr. ELDRIDGE:

Q. You say that this rain which falls upon the yards, alleys, and filthy places, sinks into the ground, carrying with it animal and vegetable matter, filtering through the soil to the nearest depending point; do you claim that this vegetable and other impure matter is carried out through the sand or gravel into the canal, or does this soil act as a filter and retain it?—A. The solid portion will be retained, but that portion which the water is capable of holding in solution is constantly being washed out through the strata and carried off.

Q. Is not the strata which you refer to one of the very best kinds of filters?—A. Yes.

Q. Then this water by the time it gets to the Tiber must be tolerably pure water?—A. I believe it is.

Q. And the impurities which you mentioned as coming from the yards and other impure places are not carried along with the water to Tiber Creek?—A. No; but if you will take a filter, and constantly pour impure water upon it without ever cleansing it, it will become a source of disease.

By Mr. CHANDLER:

Q. Explain, if you please, just how this drainage is to become a source of disease if the canal is filled up?—A. You will have this water constantly carried into the soil, impregnated with animal and vegetable filth, and instead of being carried off through the natural water-course with every rain that falls, it would remain accumulating until this filtering action would cease, and the water would continue to lie there stagnant. You would have this subterranean marsh, without any outlet, a few feet beneath the surface.

Q. Have you any reason to suppose that if the canal is closed and sewers are constructed along the streets, this water will not work its way into the Potomac?—A. It might, but I think there is great reason to fear it would not.

Q. If it could be shown that it would, would there then be the same reason for not filling up the canal?—A. If it could be shown that the water would be carried off freely, there would then be not so much objection to filling up the canal, so far as the matter of health is concerned, but it seems to me the city is losing what might be a very great ornament to it. With the canal continued at its original width of a hundred and fifty feet, and a depth of six or eight feet, it might become as much of an ornament as the river Seine is to Paris.

WASHINGTON, D. C., February 22, 1872.

J. C. G. KENNEDY recalled.

By Mr. GREEN:

Question. State, in regard to the destruction of trees in your portion of the city, what effect it will have upon the health.—Answer. As far as my portion of the city is concerned

there has been a destruction of the finest trees in the city of Washington. About the corner of New York avenue and Thirteenth street there were trees which have been regarded as an ornament to that portion of the city for thirty years—trees of immense size, among the largest in the city; in my judgment, there was no need of their being cut down; the pavement might have been made without injuring them. I am now speaking more particularly of the sycamores, around which you can raise the earth to almost any height without injury. The reason first given for cutting down those on the north side of the avenue was, that they wanted to construct a sewer under them. That sewer was laid far below where any roots of the trees extended, and they could have arched under them with perfect safety. If the trees had been standing in front of my dwelling, I would not have had them cut down for a thousand dollars apiece. They were in sight of my house. I imagine twenty of these fine trees were destroyed. Everybody familiar with that part of the city must know that they were exceedingly beautiful. I recollect an article written by Dr. Rush, in 1795, in which he gives an account of a deplorable fever in Philadelphia, in 1780, which became known as the Front street fever, because it originated in Front street, Philadelphia; and Dr. Rush gives it as his opinion that one of the causes of this fever was the cutting down of the trees fronting the Delaware, by the British, in the time of the Revolution, which opened that portion of the city to the miasma coming up from the river; and for a long period rendered it extremely unhealthy, until it became filled up with buildings, which had a tendency to prevent the spread of the miasma. I have seen in Pennsylvania, after the construction of the canal above tide-water, in nearly every house on the east side of that canal were cases of intermittent fever, while on the west side there was scarcely a case, showing that the miasma was carried from the canal by westerly winds; and I think that the fact of cutting down the streets in the western part of the city will have a tendency to allow the miasma to pass more freely from the river, and that it will be found to affect the health of that portion of the city prejudicially.

By Mr. CHIPMAN:

Q. Would you advise the construction of an embankment along the river to protect the city from miasma?—A. No, sir; but if I had an embankment there, I would not remove it without some special cause.

By Mr. GREEN:

Q. Let me ask you something about the advantages or disadvantages of the iron posts and chains which are being used where the roadway has been narrowed down?—A. As I came within the Capitol, I met a gentleman whom I had known as an ex-member of Congress, who had been lame for a week in consequence of running into and falling over one of these chains at night. I think they are great nuisances, and they are a great cost certainly.

By Mr. CHIPMAN:

Q. You are against these chains because this ex-member of Congress fell over them?—A. I think that they are a nuisance, and that they are generally so regarded.

By Mr. ELDRIDGE:

Q. Is not the street wide enough to go home in without running into the chains?—A. Yes, but as you turn a corner you are very likely to come in contact with them. Last evening, while I was out, I saw a gentleman run against one of these chains, so that his hat fell off, although he himself did not fall over. If the committee will allow me, I wish to say that I have always been satisfied that the disease which occurred some years ago at the National Hotel, which was attributed to poison, was simply the result of miasma forced up into the building through improper drainage. Of course, a very large amount of vegetable and impure matter was carried from that hotel into the sewer; and a south wind and the rising tide drove the miasma back into the building; I am satisfied that that was a sufficient cause to produce the disease which occurred at that time, and that the same cause will carry disease into every building, if this plan now being carried out is consummated.

By Mr. CHANDLER:

Q. I understand, then, that you are opposed to cutting down trees, are opposed to covered sewers, are opposed to cutting down hills, and are opposed to what the board have done generally?—A. I certainly am opposed to cutting down the streets in the way they have done in the western part of the city.

Q. That, you think, produces disease?—A. I think it does.

Q. In what way do you think the board of public works have affected the health of the city unfavorably, except in cutting down the hills and constructing covered sewers?—A. I think covered sewers would be very well if they were constructed in a proper manner.

Q. You are opposed to the whole system of covered sewers which the board has inaugurated?—A. I may say that I am not familiar with the whole system. I am not opposed to covered sewers, properly constructed.

Q. Do you know of anything the board of public works have done toward improving this city that meets your approval?—A. I think the city needed improvement.

Q. Have they done anything that you think is a judicious improvement?—A. The fact is, I have always been opposed to debt.

Q. You do not like debt: what do you like that the board of public works have done. Do you know anything they have done that is a good thing?—A. I do not.

By Mr. GREEN:

Q. Please state what you know in regard to the probable duration of wooden pavements.—A. My opinion is that no wooden pavement will last over ten years. My opinion is that every portion of a wooden pavement must be renewed every ten years; my opinion is that the cost of repairs will be ten per cent. per annum; therefore, in ten years the principal and interest has gone, and in removing the pavement at the end of ten years, you run the risk of spreading a deadly miasma wherever it is taken up.

By Mr. CHIPMAN:

Q. What kind of a pavement do you prefer?—A. That which is most durable, and requires the least repair.

Q. Mention the kind.—A. For instance, the Russ pavement, such as is used in New York, and such as was laid on the corner of Seventh street and Pennsylvania avenue, in this city. I would conduct the improvements of the city on the same plan I would my own property, on the most economical system consistent with producing the improvements desired.

Q. Can you give any estimate of the injury done to property-owners by cutting down and lowering the grades in your neighborhood?—A. I cannot; it has been very annoying, the condition we are in; I could not name any approximate estimate.

WASHINGTON, D. C., February 23, 1872.

EDWIN L. STANTON sworn and examined.

By Mr. GREEN:

Question. State your official connection with the District government.—Answer. I am secretary of the District.

Q. Have you with you the contracts made by the board of public works?—A. I have the copies of the contracts filed in my office.

Q. State whether there is any indorsement on those contracts of the time when they were filed in your office.—A. I have a memorandum of the time when they were received by me. I have not an indorsement on them. I have prepared, in a more convenient form, a schedule showing the dates at which they were received. (Witness hands the paper to Mr. Green.) The date is the date of receipt in my office; it has nothing to do with the date of the execution of the instrument. The instrument itself shows the date of its execution.

Q. Please inform me at what date you received that contract, (the contract for the M street bridge).—A. That was received on the 17th February. The paper I have handed to you is the schedule of all the copies of contracts transmitted by the board of public works to my office.

Q. Where a contract was made by the old government and the work stopped and afterward taken in hand by the board of public works, is the contract, in that case, filed in your office?—A. I am unable to answer that question. The copies of the contracts filed with me are all contracts made by the board of public works.

Q. Where the board of public works make an alteration in an old contract, do they file it, in that case, in your office?—A. I cannot answer that question. All the contracts that I received are here. My impression, however, is that among these papers are copies of contracts consisting of alterations in old contracts.

Q. Can you inform me who prepared these blank forms of contracts?—A. I cannot.

Q. Do you know where the board of public works got the blanks?—A. No, sir; I have no knowledge regarding the board of public works.

Q. There was an abstract of transfers presented here the other day, in which your name appears as the purchaser of the skating-riuk. Were you beneficially interested in that purchase?—A. Not at all. I bought the property for Mr. Shepherd, and conveyed it to him.

Q. Can you give me the first date when contracts were filed in your office?—A. I can by an examination of that schedule. It was on the 13th December, 1871. A large number of contracts were received on that day. That was the first day that any were received.

By Mr. ROOSEVELT:

Q. Do you know at all when they were executed?—A. No; I have nothing to do with that. I have only to receive copies of the contracts made by the board of public works.

Q. Are you secretary of the board of public works?—A. No, sir; I have no connection with the board of public works.

Q. Is there anything in your office to show the amount of liabilities incurred by the District?—A. Only so far as is shown by copies of contracts filed with me.

Q. Have you nothing to show the general indebtedness of the District?—A. No, sir.

Q. Do you know anything of those loans, or matters of that kind?—A. I have to countersign bonds where the law requires it to be done.

Q. Do you know what amount of bonds has been issued?—A. I can tell; but I cannot give that information now.

Q. Do you know whether the whole amount of \$4,000,000 has been issued?—A. It has not been.

Mr. CHIPMAN remarked that the governor had given all that in his answer.

Q. Is there anything in your office to show the amount of money spent?—A. No, sir; I have nothing to do with the expenditures.

By Mr. GREEN:

Q. What are your duties as secretary of the District besides signing bonds and receiving copies of contracts?—A. I have to record the laws and to perform such duties as may be devolved upon me, first, by the organic act, and, second, by the acts of the legislative assembly. I have nothing to do in relation to the bonds except countersigning them.

Q. How many hours a day do your duties require you to give to your office?—A. That is uncertain. Sometimes my duties take up a good deal of the day and at other times very little.

Q. Do they require you to be there every day?—A. No, sir.

Q. How often during the week?—A. I can hardly say. I go down there once a day generally. If my duties in court require me to be absent at office hours, I am absent.

Q. Do you know how much time the duties of the governor require him to spend at his office?—A. No, sir; I do not.

By Mr. HARMER:

Q. Do you act at all under the instructions of the board of public works?—A. No, sir; not at all.

Q. They give you no instructions?—A. No, sir; not at all.

By Mr. CREBS:

Q. You say that you had no interest in the purchase of this rink. Did you act just as the agent of Mr. Shepherd in the purchase?—A. Yes, as his attorney. I examined the abstract of title.

Q. Why was not the title made directly to him, instead of to you?—A. There was some examination of the title required, and, after I made the purchase, I conveyed the property to him.

Q. Was it conveyed to you, and then to him at his request, or by your suggestion?—A. That was of my own motion.

By Mr. GREEN:

Q. What reason had you for taking it for yourself, when you were purchasing it for Mr. Shepherd?—A. I certainly had no sinister purpose at all. After I had purchased, I conveyed to him. I thought it more convenient to do it in that way.

Q. Didn't that require additional stamps, and additional fees for recording?—A. Yes.

Q. Then what made it more convenient?—A. The cost of the stamps and the additional cost of recording only involved about \$5 additional.

By Mr. HARMER:

Q. Did you suppose that you could have purchased the rink at any better advantage than Mr. Shepherd could?—A. I think possibly I could. I endeavored to procure some additional warrantees in reference to one of the lots, and I thought I could procure them better than he could.

Q. Do you act as a real-estate broker?—A. No, sir; I do not.

By Mr. ROOSEVELT:

Q. Is it not very unusual for a lawyer to take a title to property in his own name first and then to transfer it to the real purchaser?—A. I cannot say; I do not think it is.

Q. Is it customary in this city to do that?—A. I cannot speak of the general custom. It depends a good deal upon the particular circumstances of the case. I think it is done very frequently.

Q. Would not any judgment or other liens against the attorney affect the property?—A. No, sir; the judgment would be only to the extent of the interest of the party in the property; and besides that, there were no liens or judgments that could attach in this case, because there are none against me.

Q. Would it not necessitate additional searching to ascertain that fact in the sale of that property afterward?—A. Possibly it might.

Q. Then what was there peculiar in the circumstances connected with that purchase, or is it an exceptional case?—A. In reference to one of those lots, on an examination of the abstracts, I found that the title would be perfected by obtaining an additional warrantee or assurance of some kind. That was all. And then if the property had been sold immedi-

ately I could have made the conveyance direct to the purchaser, and it would not have been necessary to have had Mrs. Shepherd join in the conveyance.

Q. Was it intended to sell it immediately?—A. Not that I am aware of.

By Mr. GREEN:

Q. How long did you hold the property before you transferred it to Mr. Shepherd?—A. Only until I had finished my efforts to obtain these additional warrantees. It was a very short time after the deed was actually delivered to me when I conveyed it to Mr. Shepherd.

By Mr. CREBS:

Q. Did Mr. Shepherd employ you as an attorney, and pay you for your services?—A. I expect to make a charge.

Q. You have made no charge as yet?—A. No, sir; I will charge him the same as any other client.

By Mr. ROOSEVELT:

Q. Did not the person who was leasing that property know that Mr. Shepherd was buying it?—A. I think Mr. Waggeman knew it. I do not know that the parties for whom Mr. Waggeman acted were aware of it or not. Mr. Waggeman is an auctioneer and real-estate broker here, who seemed to have charge of the matter for the sellers.

Q. Did he transact the business, or did the sellers themselves?—A. He transacted the business.

Q. With Mr. Shepherd?—A. With me; I do not think he saw Mr. Shepherd.

By Mr. GREEN:

Q. I understand you to say that Waggeman transacted the business with you?—A. Yes.

Q. Why then did he make the first conveyance to R. M. Hall?—A. I think he was in negotiation with Mr. Hall before he was with me. I do not know why the conveyance was made to Hall in the first place; I think it was a mistake. The conveyance was made by Hall to me.

By Mr. CREBS:

Q. Was there no real purchaser in the three transactions except Mr. Shepherd?—A. That was all.

Mr. GREEN read and put in evidence the following affidavit:

“WASHINGTON COUNTY, *District of Columbia*, ss:

“Before the undersigned, a justice of the peace in and for the county and District aforesaid, this 22d day of February, A. D. 1872, came Jackson Grant and Louis P. Himer, who, having been sworn, say that they went to inspect and measure the work on the Tiber Creek sewer, now being built by Williams & Bartlett, for the purpose of laying the facts in relation thereto before the Committee of the House of Representatives on the District of Columbia, now investigating certain complaints of citizens of said District against the board of public works and the territorial government, and that while measuring said work on said sewer, the said Williams and one of his superintendents threatened them and drove them away by threats, and by so doing prevented the inspection and measurement of said work.

“JACKSON GRANT.

“LOUIS P. HIMER.

“Sworn to and subscribed before me this 22d February, 1872.

[SEAL.]

“JAS. A. TAIT, *Justice of the Peace*.”

Mr. CHANDLER inquired whether Grant and Himer had been employed by the memorialists.

Mr. GREEN replied in the affirmative, and said that they had been directed to go and measure the work.

Mr. CHANDLER said that he would procure an order from the board of public works for the examination to be allowed, and said he supposed that the reason why those men had not been permitted to make an examination was because they had not presented any authority.

Mr. GREEN also put in evidence the following extract from the proceedings of the house of delegates of the 19th of January, 1872:

“Mr. Lloyd also introduced the following:

“Whereas, on the 20th day of December, a resolution was adopted by this house calling on the governor for a statement of the sum total of the cost of advertising and printing under the authority of the executive since the establishment of the territorial government; and

“Whereas, on the 4th of January, another resolution was adopted by this house calling upon the governor for a statement of ‘the total amount of work contracted for by the board of public works since the 1st day of last June; also, the number of offices created by the said board, and the amount of salaries paid to the incumbents of said offices;’ and

“Whereas, on the 11th of January, still another resolution was adopted by this house inquiring of the governor ‘whether any of the bonds authorized by the first four-million loan

act had been hypothecated and disposed of; and if so, when, and what amount had been raised upon them; and

"Whereas none of the resolutions have been answered; and whereas it is important that the information requested should be furnished before the final adjournment of the legislature, that the honor and dignity of the executive and legislative departments of the District government may be preserved and respected, and that the public may be satisfied that it is the purpose of the executive to manage the affairs of the government with fidelity and integrity: Therefore, be it

"*Resolved*, That the governor be requested to inform this house immediately whether the said resolutions have been received by him; and, if so, why he has not furnished the information called for; and that he be requested to furnish said information before the adjournment of the legislature.

"*Resolved*, That a messenger be immediately despatched to the governor with these resolutions, and that he be instructed to wait at the executive office, or at such place as the governor may be found, for a reply.

"Mr. Bursley moved that the resolutions be referred to the committee on laws and judiciary. So ordered

"Mr. Lloyd then moved that the committee be directed to report the resolutions back before 11 o'clock. Rejected."

WASHINGTON, D. C., February 23, 1872.

JOHN W. McKNIGHT, sworn and examined.

By Mr. GREEN:

Question. State your residence and occupation?—Answer. I reside at 119 Pennsylvania avenue; I am a dealer in furniture, carpets, and bedding. I am also a member of the legislative assembly for the sixteenth legislative district. I was so for the last session, and am for the session that commences on the 20th of April next.

Q. Had you anything to do with furnishing the Morrison building?—A. I had.

Q. State what part you took in that.—A. I furnished all the carpets except one old carpet, and I furnished the greater part of the furniture.

Q. With whom did you make the arrangement to furnish that building?—A. Mr. Searle, the architect, gave me the order and selected the goods.

Q. Who sent you to him for the order?—A. I was sent to him by Mr. Mullett and Mr. Shepherd, who were the committee appointed by the governor to look after that matter.

Q. Did you have any communication with Mr. Mullett and Mr. Shepherd?—A. I had not.

Q. Were you at that time a member of the legislature?—A. I was.

By Mr. CRANE:

Q. Do you keep a furniture store?—A. I am a regularly-licensed furniture-dealer. My store-room is situated on B street, just joining the Tiber Creek. I have occupied that building as a store-room for nearly two years.

Q. Did you consider that you were furnishing this building for the District of Columbia?—A. I did.

Q. Did you make out the bill against the District of Columbia?—A. I did, and I collected the bill from the District of Columbia.

Q. Are you sure that the bill was made out, "The District of Columbia, to John W. McKnight, Dr."?—A. I believe so.

Q. What was the amount?—A. Between \$15,000 and \$16,000.

Q. Did the board make any deductions on your bill?—A. The carpets were measured on the floor, and I lost by the measurement about thirty-two yards. Any carpet-dealer knows that it is impossible to measure carpets on the floor and give the exact measure. I lost that quantity from cutting and waste. The other deduction was ten chairs that were delivered by me, but could not be found in the building; and the result was that I had to lose the cost of them.

Q. What was the amount of the deductions?—A. Between \$100 and \$200. Mr. Searle ordered cocoa-matting and gave me a diagram of the room, and we found that the diagram was not correct, so that there was more cocoa-matting ordered than was requisite. Then there was cocoa-matting ordered for three vault-rooms, and we were compelled to take it back. I charged in my bill for that cocoa-matting because it was ordered.

Q. Would not the amount that you took back cover the deductions from your bill?—A. It did, so far as the difference between these items and the amount of the deductions.

By Mr. ROOSEVELT:

Q. Was your bill paid in full?—A. It was.

Q. Have you got no further claim outstanding?—A. No, sir.

By Mr. CRANE:

Q. What time did you get your pay?—A. I was quite a time getting my pay. My goods were delivered there about three weeks after the building started. My furniture and stuff was packed in boxes and sent there, but the building was not in a condition to have the carpets put down or the furniture put in, and consequently I was kept out of my money in that way. I was between sixty and ninety days getting my pay. I got it from the counting officers of the District of Columbia. There was a committee of three appointed by the board of public works, consisting of Mr. Shepherd, Mr. Magruder, and Mr. Mullett. That committee decided to refer these bills to two sworn measurers, who went through the building, measured all the carpets, and counted all the articles of furniture. In the measurement of the carpets I lost 32 yards, and in the counting of the chairs I lost ten chairs, which were delivered there directly from the steamer.

Q. Did you furnish any other material to the building?—A. Nothing but carpets, furniture, and chairs.

Q. Did you vote for the act of July 10—the four-million loan?—A. I did.

Q. Do you recollect the second section of the act, which prohibits members of the legislature from having any interest in any contract for the District of Columbia?—A. I do, and I voted for it.

Q. Do you not consider that your furnishing the Morrison building was a violation of that act?—A. If I had thought that I was to be debarred from my business by going into the legislature at \$4 a day, I would not have gone into it, or I would resign to-morrow.

By Mr. GREEN:

Q. Perhaps you can tell us whether any appropriation had been made before these carpets were purchased from you?—A. I do not recollect that there was.

By Mr. CRANE:

Q. How much did the board of public works give you to carry your election in November and April?—A. Not one cent.

Q. Did not Mr. Magruder draw a warrant in your favor for money for the election?—A. He did not; I received not one cent for it.

By Mr. GREEN:

Q. Were there any fraudulent votes or repeaters' votes cast for you at the election?—A. I do not know that there were.

By Mr. CRANE:

Q. Do you not know that a list of the voters in the first election was taken, and that just before the polls were closed at the April election republicans were brought up and voted in the name of democratic voters who had not voted?—A. I do not; I heard so through the Citizen. I believe it stated so.

Q. You did not deny it?—A. If I undertook to deny all the charges made by the Citizen I would have more than I could attend to. (To Mr. Roosevelt.) The Citizen is a paper published in this city by the gentleman on my right, Mr. Crane.

By Mr. GREEN:

Q. Do you know anything fraudulent or improper in the legislative assembly?—A. I do not.

By Mr. CHIPMAN:

Q. Do you do much business in your line?—A. I am very well satisfied. I have a very fair sprinkling of the trade. I have furnished some of the largest and most respectable houses in the city, and I think that every person with whom I have had any business transactions will express his entire satisfaction, both as regards the price, the quality of goods, and the fulfillment of any arrangement I have made.

By Mr. CRANE:

Q. Did you receive any money on this bill from Mr. George Nailor?—A. Mr. Nailor, myself, and others employed in the furnishing of the Morrison Building, made an estimate of what funds would be necessary to aid us in getting along. I made the estimate of \$5,000; Mr. Nailor made his estimate; the plasterer, the bricklayer, and the paper-hanger all made their estimates. The estimate was forwarded to Mr. Searle, the architect, and the amount was paid to Mr. Nailor, who paid me my share of it. That was paid on account, but not until my goods were all there. I received no money until my goods were there.

Q. Did you also furnish the legislative hall?—A. A portion of it.

Q. What was the amount of your bill for that?—A. In the neighborhood of \$4,000.

By Mr. CHIPMAN:

Q. Did you get more than your goods were worth in the market?—A. No, sir. If I had the bills to make over again, after paying the interest on the money and considering the time I had to wait, I would have charged better prices.

Q. Did you get more from the board of public works than you get from private citizens for the same materials?—A. No, sir; I sold the goods at a low retail figure; I was not under a contract.

By Mr. CRANE:

Q. Did you have anything to do with the leasing of the Morrison building?—A. I had not.

Q. Did you not go to Mr. Nailor with Mr. Shepherd, before that building was leased, to procure Mr. Nailor's service in fitting it up?—A. I met Mr. Shepherd, Mr. Mullet, and Governor Cooke in the building at one time. That was three weeks before the leasing was determined upon. I did not know who had the leasing of the building or anything about it.

By Mr. CREBS:

Q. Are you satisfied that you did deliver all the goods, but that the fact of these commissioners not measuring right was the cause of the loss?—A. I am.

Q. You are confident that all you sold was delivered?—A. Certainly; but the building was unsafely guarded.

Q. Did you think it proper for you to suffer that loss?—A. I did not, and I protested against it.

Q. In Mr. Searle's dealings with you, did he look to the interests of the government?—A. He looked as well to the interests of the government as to the interests of those who were employed in fitting up the building.

Q. You say that, with the exception of these thirty-two yards of carpet, and the ten chairs, you received the full amount of your bill?—A. Yes.

Q. Do you know whether anything was cut off the other bills?—A. I do not. I believe that the paper-hanger's bill was cut down; I do not know how much.

Q. Who furnished the paper-hanging?—A. Mr. John Dorsey on one side, and Mr. Alexander on the other.

Q. Were the bills of both cut down?—A. I do not know, positively; I believe they were. They were regular paper-hangers.

Q. They had no connection with the city government?—A. No, sir.

Q. Was Mr. Shepherd's bill cut down?—A. That I cannot say.

Q. You do not know as to the amount that these bills were cut down?—A. No, sir.

Q. Were there not a number of mirrors taken away to an auction-room?—A. I do not know anything about it. The Citizen gave me the credit of taking these mirrors, but I never saw them, and never furnished one of them.

By Mr. CHANDLER:

Q. How long have you been in the furniture business?—A. All my life. I have been with Mr. Moses since 1861.

Q. Where was this furniture manufactured?—A. In New York and Philadelphia.

Q. And you sold by photograph?—A. Yes, sir, as all other dealers do with that line of goods. Most of these goods that I furnished I had made. They were a nice class of goods.

Q. How extensive have been your sales for the last four or five years?—A. Since I have been in business for myself, my sales will average in the neighborhood of \$95,000 a year.

By Mr. CRANE:

Q. You say that you have been in business all your life; did you ever keep a furniture-store yourself?—A. Yes; I keep a furniture-store in a very economical way now.

Q. You were clerk to Mr. Moses?—A. Yes; and I was in the grocery business for one year.

Q. Do you suppose that if you had not been a member of the legislature you would have got orders to supply all this furniture for the city?—A. I have not given that matter any consideration; but I do believe that if they had given me the chance on it, no man in the District of Columbia would have beaten my prices. I am supplying the Government with furniture, and am supplying private parties with furniture.

Q. Were Mr. Moses and the other heavy furniture dealers in this city invited to make proposals for this furniture?—A. That I know nothing about.

By Mr. HARMER:

Q. The furniture and carpets which you supplied, did you supply them at the same price, as you would sell to private individuals?—A. Yes, sir.

WASHINGTON, D. C., February 23, 1872.

JAMES G. NAILOR sworn and examined.

By Mr. CRANE:

Question. State your occupation.—Answer. I am a carpenter and builder and general contractor; I have been in that business for seventeen years.

Q. Did you fit up the Morrison building?—A. I did.

Q. Did you do it by contract?—A. I did not.

Q. State to the committee what you know about that transaction.—A. All that I know about it is that I was employed to go there and fit up the Morrison building suitably for the offices of the territorial government, under Mr. Searle, the architect.

Q. Who first came to you on the subject?—A. Mr. Shepherd, I think, was the principal man who got me the job.

Q. Who was with him at the time?—A. Mr. William A. Cook, I think, came in with him. I was to meet Mr. William A. Cook and Mr. Shepherd there. Mr. McKnight was there at the time.

Q. What did they say they wanted you to do?—A. Before we went through the building I was asked to go for Mr. Searle. I got into Mr. McKnight's buggy and rode up to Mr. Searle's, and rode back to the building with him. There we met the party. Mr. Shepherd, Mr. William A. Cook, and Mr. McKnight, and myself went through the building and talked of the changes. Mr. Searle was to prepare the plans for the alteration of the building. Of course, I could not do anything until those plans were prepared. They were partially prepared on the next morning or the morning after, I do not know which. However, I went to work immediately to make some of the contemplated changes.

Q. How were you to do it, by contract or by days' work?—A. I have not worked by the days' work for anybody for seventeen years, and I don't propose to work in that way.

Q. Did they authorize you to purchase materials and to employ labor and do the work and then to bring in your bills?—A. They told me to go there and fit up the building as I would for contract by Mr. Searle. I went to Mr. Searle for my orders and to no one else. I, of course, furnished all the materials for the building; that is, the hardware, the lumber, and the labor. I mean to say, all the labor for tearing down and removing the rubbish, and all the old offal. I paid all the freight, and everything, out of my own money.

Q. When the work was completed, to whom were the bills made out by the different parties?—A. When I first started the building the bills were made out against me. I had to get the money and to pay it over to these different gentlemen. I disbursed all the money; I even paid Mr. Searle, the architect. What money they received they receipted to me for, and I made out my bills against the District of Columbia in one gross bill.

Q. You paid Mr. McKnight \$5,000?—A. I paid him \$5,000 on account.

Q. Why did you not pay him the balance?—A. I do not know.

Q. Did he ever ask you for the balance?—A. It took me nearly a week to go and get all the bills in; it was a long job and a hard job. I went to all the different parties, Mr. McKnight among the rest, and got their bills.

Q. Did Mr. Shepherd make out his bill against you?—A. I have never seen Mr. Shepherd's detailed bill; I saw one bill of his made out to me.

Q. Did you pay him?—A. No, sir; I paid him \$2,000 on account, just the same as I did with Mr. McKnight.

Q. What reason did they give for having their bills made out to you?—A. I do not know that they gave any reason particularly; only that they wanted all the bills to come through me, as I understood it at the time.

Q. Did they not say that it would look better to have the bills made to you than for them (officers of the District government) to have them made out against the District government?—A. Mr. Shepherd did not.

Q. Did not Mr. McKnight?—A. I think such a thing was talked of. The furniture was sent directed to Mr. McKnight, and I received it at the building. It was sent in Mr. McKnight's name. Anybody could have seen that from the tags on the different pieces of furniture.

Q. Did you charge a commission for doing this business?—A. I did; and I thought I should have had it.

Q. Did they strike it off the bills?—A. Yes. I got the bills approved by Mr. Searle, the architect, after his close scrutiny. He spent over half a day in arranging with the plasterer to curtail his bill. The plasterer wanted \$3,500 for his work, and Mr. Searle told him that he could not and would not approve his bill.

Q. Did you have the furniture put into the building by men whom you paid?—A. I did. There were men there who did the house-washing and scrubbing and laboring work generally. They handled a portion of the furniture; but a good deal of it was put in by my men, and was all arranged by them. When I made out my bills I knew it was customary to get commission on what I did, and I put 5 per cent. on the furniture bill, right on the back of the detailed bill. They said they would not allow it to me.

Q. Did Mr. McKnight ever make it up to you?—A. No, sir; I never asked him.

Q. What was the amount of Mr. Shepherd's plumbing bill?—A. I cannot state the exact amount. It was between \$6,000 and \$7,000. I think it was \$6,700 odd.

Q. What is the usual proportion of plumbing in the cost of a house with modern improvements?—A. I cannot say. It depends entirely on the quantity of plumbing done.

Q. With a house costing \$10,000, will the plumbing amount to more than \$600 or \$700?—A. Not often. It will rarely do that.

Q. Then was not Mr. Shepherd's bill much greater than the usual proportion?—A. I do

not think that Mr. Shepherd's bill was a high bill for the amount of work done there. There was an immense quantity of work done there. I do not think, myself, that there was a high bill rendered there, under the circumstances in which the work was done.

Q. Did you charge any commission on Mr. Shepherd's bill?—A. I did not.

Q. Why not?—A. I always regarded Mr. Shepherd as a friend; and he has done my work for the last fifteen years.

Q. His being a member of the board of public works had nothing to do with your not charging a commission?—A. No, sir. If I had a contract to perform to-day I would give the plumbing work to Mr. Shepherd.

Q. Has the board paid you for your services?—A. No, sir.

Q. Has the board paid you for anything?—A. Yes; I received \$19,400 odd on certificates. I got the money on the certificates from the Freedmen's Bank.

Q. Who suggested to you to go to the Freedmen's Bank?—A. I cannot say who suggested it. I think the governor sent me there.

Q. Were you sent to Colonel Eaton?—A. Yes.

Q. Is he a member of the legislature?—A. Yes.

Q. What did he charge you for discounting these certificates?—A. He charged 10 per cent per annum.

Q. How much did he deduct?—A. One of the certificates was for \$6,000 and the other for \$12,000 odd. I think he took off \$600 odd. Mr. McKnight lost his percentage on the \$5,000 which he received; but none of the rest whom I paid lost a cent. I lost all that percentage myself, and the board has agreed to pay me that percentage.

Q. Do you know how long it was after Mr. Eaton paid you on these certificates before he received pay on them?—A. I cannot say anything about that.

Q. What is your opinion about it?—A. I have no opinion about it. I saw Mr. Eaton with the comptroller about these certificates, but whether he got the money or not I cannot say.

Q. Did you not say that you thought he got the pay immediately afterward?—A. No, sir.

Q. There is a balance due to you?—A. There is a balance due to me up to the 5th of last September. I got Mr. Searle's approval of my bill, and they refuse to pay it.

Q. Have you employed any counsel to aid you in collecting your bill?—A. Yes, sir; I had to do it.

Q. Whom did you employ?—A. I first employed Mr. A. K. Browne, in a friendly way.

Q. What did he offer to collect your bill for?—A. He said that, as he was one of the board, he would not, or could not, touch it in any way without a written fee showing that I had employed him as a lawyer to collect this money. I paid him \$25, and he wanted 10 per cent. on all above the commissions, which I agreed to give him. It appeared that there was a kind of feeling against Mr. Searle in regard to the matter; but they said that they thought I had acted honorably and square.

Q. Would you ever have dreamed of going to A. K. Browne to collect that money for you, and paying him 10 per cent. commission, if he had not been a member of the legislature?—A. I do not know as to that. If I had been acquainted with Mr. Browne and liked him, as I do, I might as well have employed him.

Q. Was your principal reason for employing him that he was a member of the legislature?—A. Of course, I thought that he had influence with these gentlemen, and could go and talk to them; and I suppose that that was one reason.

Q. Have you employed any other counsel?—A. Yes. After I employed Mr. Browne and paid him the money, he guaranteed to get me the money in six days, by what he thought. I waited for two weeks, and then I thought I would employ Judge Fisher. I had got acquainted with him through working for him.

Q. What were you to pay Judge Fisher?—A. I made no bargain more than this: that Judge Fisher said if he got the money he would divide with Mr. Browne. After I engaged Judge Fisher Mr. Browne stopped. I did not feel disposed to pay a man for nothing. I made a written agreement with Mr. Browne that if he did not get my matter settled up his authority would stop there; but after I engaged Judge Fisher, and as he and Mr. Browne were friendly, Judge Fisher stated that he would share the spoils with Mr. Browne.

Q. Do you know whether Mr. Shepherd has been paid in full?—A. I cannot say. I think Colonel Magruder told me that he had paid Mr. Shepherd.

Q. Have not all who were interested in furnishing the Morrison building, and who were members of the city government, been paid in full?—A. I did not know until this moment that Mr. McKnight had got his money; but he says he has, and Mr. Magruder told me he had paid Mr. Shepherd.

Q. You are an old experienced builder here, and have the reputation of being a man of excellent judgment in putting up buildings. What, in your judgment, would it have cost to build a wing to the city hall, on the north side, amply sufficient to accommodate the city government?—A. It would depend entirely on the way it was to be erected.

Q. Say a building corresponding to the one there?—A. To put up a building there, without many partitions, would cost, I suppose, from \$50,000 to \$100,000.

Q. The building could have been put up for about what it cost to fit up Morrison's building?—A. That depends entirely upon the style, and upon the materials put in the building. You can put up a small building that will cost twice as much as one double as large.

Q. Do you know whether there are fire-proof vaults in the old city hall?—A. Yes, I think there are some. They are very small.

Q. If a wing had been added to the city hall, it would have saved all the expense on the Morrison building?—A. I do not think that the vaults in the city hall would have been sufficient. I fitted up a case the other day in Mr. Forsyth's room, and the vault there was quite small and dark.

Q. Did you observe whether all the rooms in the old city hall are now occupied?—A. I did not notice. I think there is a court held in the old council chamber, where the orphans' court used to be held.

By Mr. HARMER:

Q. You said, just now, that, in conversation with Judge Fisher, he said he would "share the spoils" with Mr. Browne. Was that Judge Fisher's language, or was it your language?—A. That is my language, I reckon. I showed Judge Fisher my agreement with Mr. Browne in writing, and Judge Fisher said he would share his fee. He did not say "spoils." There were no spoils about it.

By Mr. ROOSEVELT:

Q. You say you never saw the details of Mr. Shepherd's bill?—A. I never did.

Q. How did that happen?—A. I told Mr. Searle that I had not got the details of Mr. Shepherd's bill, and he put the amount down. Of course, after I knew that that bill had to come before Mr. Shepherd, I did not care to have the detailed bill. He would know whether his bill was right or not. That satisfied my mind.

Q. You knew that Mr. Shepherd would know whether his bill was right or not?—A. Yes, sir.

Q. And you left him to determine that question?—A. Yes.

Q. You say he has done a good deal of other work for you. Have you ever charged him anything for commission?—A. I always charge. It is a custom with contractors or men who are doing work. If I were employed to do a job for you I would charge 25 per cent. on the job.

Q. Do you usually charge 25 per cent. on the work which Mr. Shepherd does under your direction for other people?—A. If I were to contract to build a house for you I should make my own figures, and then get the work done as cheaply as I could. Commission has always been allowed in our courts.

Q. Twenty-five per cent.?—A. I do not say that. I say that on my purchases I always charge 25 per cent. On other purchases I charge 10 per cent., and I have charged as high as 15 per cent.

Q. Have you charged Mr. Shepherd in other similar cases 10 and 15 per cent.?—A. I do not know that Mr. Shepherd ever did work for me in that way before. I always had the contract myself, and gave the work to Mr. Shepherd. I built the deaf and dumb institution here, and Mr. Shepherd's bills for that were \$8,000 or \$10,000 or \$15,000.

Q. When you are employed, and when you employ Mr. Shepherd, do you not expect to make profit out of his work?—A. I do, sir.

Q. Why was it that in this particular case you made an exception?—A. I had not seen Mr. Shepherd's detailed bill; and I considered Mr. Shepherd a friend of mine—nothing more than a friend. He always acted honestly with me as between man and man. That is the only reason I can assign.

Q. But you have never made an exception in any other case?—A. I do not know that, except in the fixing up of the legislative hall, Mr. Shepherd ever did a job for me under such circumstances before.

Q. Is it customary, where an architect is employed, to employ also a superintendent or some person in the position which you occupied?—A. I never was employed in that way.

Q. You were employed as a sort of superintendent?—A. I was employed to go there, and to do this work, and to bring in a fair and honorable bill.

Q. And for your services you charged 5 per cent.?—On some portion of the work I did. On the furniture I charged 5 per cent., and on the brick-laying and plastering I charged 10 per cent., and they would not allow it to me. Mr. Searle was to get his 5 per cent., because it is usual for the architect to get that.

Q. Give more fully in detail your conversation with Mr. McKnight in regard to the necessity of using your name so that the bill should not be presented by him to the territorial government?—A. Mr. McKnight said that they were trying to make a fuss about this thing, and that he did not want to be in any fuss. He did not think that what he was doing was anything out of the way, and I did not think so either. I think he should not be debarred from all the work he can get, simply because he is a member of the legislature.

Q. He did not want the public to know anything about it?—A. The public did know about it.

Q. But he wanted to have it covered up by your name?—A. Of course, all the bills were

to come through me—the plasterer's, and painter's, and paper-hanger's, and all; Mr. Searle was so directed.

Q. And that was done in order that the public should not make a fuss about it?—A. Mr. McKnight said that there was some fuss about this thing. I know that a gentleman named Squire Smith got to rigging him about it, and that is the way that I came to notice about the tags.

Q. Was any one else present at that conversation?—A. I do not know but that Mr. Dickson, a member of the legislature, was.

Q. Was Mr. Shepherd?—A. No, sir. I did not see Mr. Shepherd, except as a general superintendent, coming there to see how the things were going on.

Q. Why was that manner of making the bills changed?—A. After Mr. Searle examined the bills the board said that they were very large. All the bills were made out in my name. For instance, the plumbing work was charged to my name. The plumbing bill amounted to \$6,000, odd. I did not state who furnished the plumbing, to the best of my recollection.

Q. Was that so also with Mr. McKnight's bill?—A. I think it was, and with all the bills. Mr. Wight's bill for furniture and Mr. Butler's bill were made out against me, also; but afterwards Mr. Butler came and had his bill changed, and made it out against the territorial government.

Q. What reason was there for changing these bills after they were made out in your name?—A. The only reason was that the board wanted to settle the bills themselves. They wanted every man to come there with his bill, and they cut the bill as they thought right, leaving Mr. Searle's approval out of the question. That is the way I understood it.

Q. What is the total amount of those bills?—A. About \$84,000, with Mr. Searle's 5 per cent. commission added on.

Q. How much was finally allowed?—A. I do not know.

Q. How many different bills were there altogether?—A. There were two bills for painting—Mr. Hudson's and Mr. McNichol's. Then there was the plasterer's bill, and bricklayer's bill, and the plumber's bill, and three furniture bills, all of which were put in one lump. Then there was the white-washer's bill, and the kalsomining bill, for a man named Peters. I paid him in full.

Q. Do you know which of those bills are still unpaid, or have been paid only in part?—A. I do not know.

Q. When Mr. Eaton took off the 10 per cent. from the certificates, was it 10 per cent. a year?—A. Yes.

Q. For how long did he deduct?—A. I cannot say; it must have been three months. What he did I thought was perfectly honorable and just.

Q. Did these certificates have any time to run?—A. No, sir.

Q. Then the deduction of ninety days' interest was a guess-work?—A. Yes. He might be paid within ninety days or he might not. He said, however, that he would not discount them for less than 10 per cent. per annum, because that was the requirement of the bank.

Q. Who owns the Morrison building?—A. I think it is a gentleman named Morrison.

Q. Is it owned by anybody connected with the board of public works or the legislature?—A. I never have heard so.

Q. Is anybody who is interested in letting it connected with these boards?—A. I never heard. I thought that the rent was very low.

By Mr. HARMER:

Q. When you made out and presented this general bill to the board of public works, did you attach to it the detailed bills made out by the different parties who did the work?—A. Not at first; but afterwards the board required it, and it took me about two weeks to get these bills.

Q. You afterwards attached these bills in detail as vouchers for your general bill?—A. Mr. Shepherd told me that these men wanted more money than Mr. Searle approved, and that, no matter what their bills were, I should let themselves come forward with them.

Q. Then it was to the payment of these bills in detail that the board made the objection, and the bills were cut down to a corresponding amount?—A. My bill was cut down furiously. At the lowest calculation I lost \$4,000 out of pocket.

By Mr. GREEN:

Q. Have you been always on good terms with Mr. Shepherd?—A. Always, with one exception. He and I had a little affair, but we made it up. He has always been friendly and kind to me. I never saw a dishonorable act of his in my life, to the amount of one farthing.

By Mr. DARRALL:

Q. Were any of the persons who furnished materials for Morrison's building connected with the legislature except Mr. McKnight and Mr. Shepherd?—A. I do not think there was any other.

WASHINGTON, D. C., *February 23, 1872.*

P. H. REINHARDT sworn and examined.

By Mr. GREEN:

Question. State your residence and occupation.—Answer. I reside at 319 Four-and-a-half street. I am at present engaged as chief clerk of the house of delegates.

Q. State whether you know anything about fraudulent voting, or repeating, at the election when Mr. McKnight was elected?

WITNESS. Mr. McKnight has been candidate before the people of his district twice; to which election do you refer?

Mr. GREEN. To either or both of them.

A. I saw a colored man I know voting late in the day at the first election. I was surprised at his appearing at the polls so late in the day. It attracted my attention, but I said nothing. I soon discovered, however, that there was some charge made against him of having appeared and voted under some other name at some time earlier in the day. Whether that was so or not I do not know. He left the window, and there was some little fuss made. I stepped out from the pavement and told the man, with whom I was well acquainted, that if that was so he had better clear out. I came pretty nearly being charged with having a hand in it myself. Whether the man really appeared twice or not I do not know, but that charge was made against him by parties at the window. That is the only instance I know of.

By Mr. HARMER:

Q. You do not know whether he had voted before?—A. I did not see him voting before; but I was surprised at seeing him there so late in the day, because we always had that class of voters there early.

By Mr. GREEN:

Q. Is that the only instance you know of at either election?—A. At this last election I saw two men at the polls after dusk who voted in the names of parties whom I knew they were not.

By Mr. HARMER:

Q. Do you know how they voted?—A. I do not; I did not see their tickets. They were at the door voting, and I happened to be there, and they gave names which were on the registration list, which names I happened to know were not theirs. I do not know for whom they voted, or for what ticket, excepting so far as my judgment or guess goes. I think that if they did not vote the way I think they did they were foolish. These are the only cases within my personal knowledge.

By Mr. CRANE:

Q. Have you not stated repeatedly that Mr. McKnight was elected by fraudulent voting at the last April election?—A. I have no doubt that I have made that declaration in conversation on the general talk prevailing on all sides.

Q. Did you not say it to Mr. Cushing and myself?—A. Yes; on general rumor and talk that were in everybody's mouth.

By Mr. ROOSEVELT:

Q. You had no safe information yourself?—A. No, sir.

Q. Do you know whether any intimidation or threats were used to compel voters to vote one way or the other?—A. To my own personal knowledge, I do not.

Q. You did not hear or see any yourself?—A. I do not think that I remember seeing or hearing anything of it; I heard a good deal of general talk and charges.

Q. You did not hear threats to remove voters from work?—A. I have no personal knowledge of it.

Q. Did you see voters march up to the polls in bodies?—A. That has been a custom in this city since Mr. Bowen's campaign. On the republican side, we would have our meetings in each precinct the evening prior to the election, and in some instances we would go to the polls in bodies, and sleep there till morning, to await the opening of the polls; because it would sometimes take a man two hours before he could get at the window to deposit his vote.

Q. Were the voters taken under some leader?—A. Only the ordinary officers of the association.

Q. Were they given ballots by the association?—A. We had our tickets all ready, and distributed them.

Q. Were these leaders contractors under the city government?—A. I do not know; I was not acquainted with men who were contractors under the late Washington corporation. We have had but one election since this new government has been put in operation; that was the last election. I did not take a very active part in the last campaign.

Q. Do you know whether officers under the city government acted as leaders of these

organized body of voters, taking them up to the polls and seeing that they voted?—A. Yes, sir; I think they did.

Q. Did they do that generally?—A. I do not know that every officer did it; I know that there were some officers who were not at the polls that I visited; but a number of the subordinates did take an active part in the election.

Q. Were the leaders generally either contractors or officers under the government?—A. I do not know that I can say that that was generally the case; to a great extent, however, it was.

By Mr. CREBS:

Q. Do you know any cases where it was not so?—A. O, yes, I know a number of persons who took a very active part in the sixteenth district, where I live, who were not officers or contractors under the government.

Q. Had any of them charge of men going to the polls?—A. As to this matter of taking men up to the polls in a body, there must be a distinction made between this last election and former elections. It has not been the case so much this last time; it was not carried out to that extent. In fact I took so little part in this last campaign that I only visited the polls of my own district, and went up to see the polls of the twelfth district, where there was quite a contest between Mr. Dickson and the regular republican nominee. Quite a number of our voters were jumping the traces.

By Mr. WILLIAMS:

Q. Did I understand you to say that the most of this voting done while officers of the city government headed the movement was under the old corporation?—A. When I answered that question at the start, I had reference more particularly to former elections.

By Mr. HARMER:

Q. Parties are organized here in this city as in other cities?—A. That is so. I knew within a dozen votes how the election would turn out in my district. I made a personal canvass and knew exactly how it would be.

By Mr. ROOSEVELT:

Q. Do you mean to say that you ever knew men in other places brought up in bodies to vote?—A. I do not know that I did.

By Mr. CRANE:

Q. What was Mr. McKnight's majority?—A. Twenty-three or twenty-four.

Q. Was that considered a democratic district?—A. We regarded it so at the start.

Q. Do you not remember saying to me and other gentlemen present that just before dark you saw that Mr. McKnight was defeated, and that then parties went and brought out republican voters who represented democrats who had not voted?—A. I believe I said that I saw before dark that McKnight was defeated, and that then the tide turned, and that, according to general rumor, it was done by some parties going into that kind of business. It made an impression on my mind as I stated.

Q. Have you ever known of money being paid out by the board of public works to aid candidates last fall? Did you see any money paid or any warrants drawn in their favor?—A. I have not seen any warrants drawn or money paid to any one.

Q. Did you see Mr. Magruder draw a warrant in favor of Dickson, the democratic candidate?—A. I did not.

Q. Have you not stated that you did?—A. I never stated anything about Mr. Dickson, except so far as common rumor.

By Mr. HARMER:

Q. Was there a rumor that the board of public works was paying money to elect a democrat?—A. It was so charged by parties, and denied.

By Mr. CHANDLER:

Q. Were you a candidate against Mr. McKnight in the republican caucus?—A. I expected to be, but I got there too late.

Q. He was the successful nominee over you?—A. The meeting was about finishing up when I got there.

Q. You had expected to be a candidate?—A. I had.

Q. Mr. McKnight's majority in April was 24; how much was it at the last election?—A. I do not know; it was quite large.

Q. Was it not between 300 and 400?—A. Yes.

By Mr. CRANE:

Q. Have you any knowledge of a fund being placed by the board of public works and drawn upon for the expenses of the last election?—A. I have sometimes stated in conversation a rumor about that, but I know nothing as to the board of public works having placed funds in anybody's hands.

By Mr. ROOSEVELT:

Q. Did you see any warrant drawn yourself?—A. I stood at Mr. Magruder's table the day before the election, (I state this now in order to gratify Mr. Crane,) and while I stood there I saw Mr. Magruder draw an order in writing, (if you call that a warrant.) I did not know on whom it was. He asked the question whether it was for the twenty-second district, and Madison Davis said that it was.

Q. Did he draw one in favor of Mr. McKnight?—A. He did, at the same time, but I do not know what it was for. I was there simply by accident when that thing was done, and I do not know what it was about.

By Mr. CRANE:

Q. Was Mr. McKnight present at the time?—A. He was.

Q. He took the order, did he?—A. I suppose he did, but cannot recollect now. It was a written order; it was for \$100 in each instance.

Q. Do you know whether Mr. McKnight received the money?—A. That I know nothing about.

Adjourned till the 26th of February.

WASHINGTON, February 26, 1872.

HENRY F. ZIMMERMAN sworn and examined.

By Mr. GREEN:

Question. State your residence and business.—Answer. I reside at 715 K street, in this city. I am a furniture-dealer.

Q. Have you read the testimony of Mr. McKnight before this committee as published in the Patriot?—A. Not entirely; I glanced over it.

Q. You are familiar with the value of furniture?—A. I am.

Q. Have you examined the furniture in Morrison's building and in Metzert Hall?—A. I have not; I have never been through either building.

Q. Could you, if allowed to go through these buildings, give us an estimate of the value of the furniture?—A. I think I could.

By Mr. ELDRIDGE:

Q. Have you made any effort to go through, or asked permission to go through?—A. Not at all.

[Witness was requested to examine the furniture in the buildings named and report to the committee at a subsequent meeting his estimate of its value.]

WASHINGTON, February 26, 1872.

W. B. MOSES sworn and examined.

By Mr. GREEN:

Question. State your residence and occupation.—Answer. I reside at the corner of Seventh street and Market Space, in this city. I deal in furniture, carpets, &c.

Q. Can you give the committee any information as to the value of the furniture in Morrison's building and Metzert building furnished by Mr. McKnight?—A. I could not; I have taken no notice of it.

Q. Mr. McKnight stated here the other day that he had peculiar facilities for furnishing furniture cheaper than other dealers in the city—I think he said less by 20 per cent. than others could furnish it; can you state whether he has such facilities?—A. I hardly know what facilities he could have, except that, not being in the mercantile profession, he may have been able to buy as low as any of us, and not having expenses attending a store or warehouse, he may have had that advantage.

Q. Has he any place of business?—A. I have never seen it. I have heard that he had a place on B street; I know nothing of it.

By the CHAIRMAN:

Q. Have you ever made any application to go through either of the buildings named to examine the furniture?—A. None at all.

[Witness was requested to examine the furniture in the buildings named and report to the committee at a subsequent meeting his estimate of its value.]

WASHINGTON, February 26, 1872.

WILLIAM H. STANFORD sworn and examined.

By Mr. GREEN:

Question. State your residence.—Answer. Two hundred and thirty-three North Capitol street, Washington.

Q. State what you know about the work done on North Capitol street by Peter Macnamara as contractor?—A. They commenced there about the first part of June last, or the latter part of May, to tear up the sidewalks and gutters at one end of the street, while another contractor was at work putting it down at the other. While Mayor Emory's contractor was putting down one gutter, Mr. Macnamara, the contractor of the board of public works, was tearing up the same gutter at the other end. He tore up the curbstones, the gutter, and sidewalk, and paved the carriage-way, but the sidewalk has been lying in that condition from that time until the present. While Peter Macnamara was doing that work, I went to him and asked him under what contract he was doing it. He said he was doing it under a contract made with Mayor Bowen in 1868. I saw that he was using redstone for the pavement, and I told him that unless he put down a pavement that complied with the contract I would refuse to pay for it; and I notified him, and I gave Governor Cooke legal notice that unless it was done according to the contract I should refuse to pay my assessment. The contract required them to put down under the pavement eight inches of gravel and four of sand, making twelve inches in all. I examined the work several times, and there is not more than six inches of sand and gravel altogether in any part of the pavement. The contract required the pavement to be of bluestone, and it was put down of red stone.

Q. What is the condition of your sidewalk now?—A. It is hardly passable. It is all torn up; it has been lying there the whole winter in that condition. A notice was sent to me on the 7th of October last—and I have it with me—from the board of public works, notifying me that if the bill was not paid, assessed against me for this work, within thirty days from that time, they would enter it against my property and charge 10 per cent. interest. I have the notice with me; it is as follows:

“OFFICE OF THE BOARD OF PUBLIC WORKS,
“MORRISON BUILDING, FOUR-AND-A-HALF STREET,
“Washington, D. C., October 6, 1871.

“WILLIAM H. STANFORD:

“You are hereby notified that lot No. 7, square No. 685, in Washington City, has been assessed for improvements; said lot fronting $23\frac{3}{4}$ feet on the east side of North Capitol street.

“Per front foot	\$353 69
“Sewerage-tax	
“Paving-tax	81 35
	81 35

“Received payment.

“_____.

“Unless the above assessment be paid within thirty days after the service of this notice, a certificate of indebtedness will be issued on the property aforesaid, bearing interest at the rate of 10 per cent. per annum; and if said certificate is not paid within one year from the date of issue, said property will be advertised daily for three weeks, and sold at public auction to the highest bidder, bearing interest at the rate of 20 per cent. per annum, as per law of the legislative assembly approved August 10, 1871.

“Payments to be made at the office of the board.

“GEORGE W. BEALL,
“Assessor for Board of Public Works.

“Office hours from 9 a. m. to 3 p. m.”

When I received that notice, I went up to the board of public work's building, and found Colonel Magruder there. He appeared very much astonished that the sidewalk was not put down, and made a note of it. A very short time after that I heard they were going to put down sewers under the sidewalk, and I went up to protest against it, but neither of the board of public works were there. Their clerk told me I need not see any of the board of public works, nor enter my protest; that they would just do as they pleased, and that I would have to pay the bill. I asked him why it was that this red stone was put down there in violation of the contract. He told me the majority of the people on the street had petitioned to have it put down. I demanded to see the petition, but it could not be found, and Major Elliott demanded to see the petition, but it could not be found. I intend, as I stated to Governor Cooke, to contest the payment of that assessment.

By Mr. ROOSEVELT:

Q. Is the Seneca stone as good as bluestone for paving purposes?—A. No, sir; you could

pick it up with your fingers now where it is crumbling. It is no better than salmon brick. It is all crumbling to pieces, and the whole carriage-way of that street is laid with it. There is a grass plot in the center of the street.

Q. Do you say that the pavement already shows signs of disintegration?—A. It is all covered up with rubbish, so that you cannot tell what it is. That is the very first work the board of public works did on the streets after they came into power. I went out to examine it, and where I got down to it I found it was crumbling.

Q. Is it crumbling to any great extent?—A. I cannot tell you, because it is all filled up with brush.

By Mr. GREEN:

Q. Has there been any travel over the pavement yet?—A. Yes; as far as C street there is travel. At D street there is a jumping-off place ten feet, on North Capitol street. The street is right down here, north of the Capitol. I have been told by Mr. Elliott, who lives right opposite me, that the grade in front of his house is ten or twelve inches too low, according to the survey by the gentlemen appointed by Congress to give the grade of the street. This street has been graded three different times. Some twelve or fifteen years ago it was graded down about fourteen feet by order of Congress. The sidewalks were put down then under Mayor Bowen. It was taken up again and the street graded over, and Mayor Emory finished that work, and then Peter Macnamara comes in and tears up the sidewalks and gutters and everything under the board of public works.

By the CHAIRMAN:

Q. Was the street paved previously?—No; this is the first pavement ever laid in the street, but I considered the old street, of good, solid gravel, a great deal better than this pavement.

By Mr. CRANE:

Q. Do you know whether the water-pipes, gas-pipes, and sewer were laid in that street before the street was paved?—A. The water-pipes and gas-pipes were laid. The sewer has not been.

Q. Do you know whether they are laid the entire distance?—A. I think from B street down to D. I do not know whether they are laid any further than that.

Q. Is there also a water-main running through the center of the street?—A. Yes, but the sewer is not in. My lateral sewer is in, and I received notice from the commissioner, acting under Governor Cooke, to lower my water-pipes and my lateral sewer.

Q. Is the street between B and D all that is paved?—A. Yes; they have graded the street at the other end, but not down past the depot.

By Mr. CHANDLER:

Q. Do you know whether the other property-holders on that street was served with notice of their assessment?—A. Some of them were. I think all were on that side of the street, so far as I know.

Q. Have any of them paid it yet?—A. I think not.

Q. Were or were not the notices recalled, as you were informed by Colonel Magruder they would be?—A. Colonel Magruder told me they had been. My counsel told me the other day that they had not been, but that the interest was charged up at 10 per cent. after thirty days from the 7th of October.

Q. There have been no proceedings to collect the assessment?—A. No; and there will not be until the end of twelve months, according to my notice.

Q. This street to which you refer passes in the vicinity of the railroad depot?—A. Yes.

Q. Has this last change, to which you referred, been made on the street running in the vicinity of the large house which Admiral Wilkes owned?—A. It is the same street.

Q. And the last change you speak of was made by the board of public works. Has there not been an elevation there?—A. No, there is no elevation there at all.

Q. The slope is not gradual from the Capitol to the railroad depot, is it?—A. The slope is a very gradual one for the water to run off.

Q. Was not the ground very high where these large houses were constructed?—A. Yes.

Q. Is there not a deep hole down by the railroad depot?—A. The Baltimore and Ohio Railroad track is in a valley. There is an embankment which the track passes over, and the hole, as you term it, on both sides of it.

Q. A hole that needs filling up?—A. Yes; and there is a ten-foot jumping-off place before you get to it.

Q. When this last grade that you speak of has been completed, will it not make the best grade that could be obtained?—A. I think not.

Q. Wherein could you improve it?—A. If you will go out on the street you will see that it is not a level grade at all.

Q. Will it not be a uniform grade, requiring the filling up of all the property from the depot out to the hills beyond Boundary street?—A. I do not think it will be an improvement, taking it the whole distance. It certainly is no improvement at all in front of my

property, and, in my judgment, it will be a great detriment to property on New Jersey avenue, all the way out to C street.

Q. Suppose you continue on across the valley and over to the hills beyond Boundary street, do you not think the grade is an improvement as a whole?—A. I am not prepared to say at all. I can say what it will be when it is finished. I can say this much, that I offered my property a year ago at \$4,500, and I will take \$4,000 for it now.

Q. Have there been any sales of property in that vicinity during the past year?—A. None that I know of in the immediate vicinity.

Q. Has property depreciated in value, in your opinion, around you?—A. I think there have been some improvements made on the street where I live, yet I do not consider there has been any improvement at all in the value of the property.

By the CHAIRMAN:

Q. Do you know whether this last grade was made under an act of Congress?—A. I understood that Congress appointed General Michler, Mr. Clark, the architect, and Mayor Emory, to give the grade of that street, and that this grade was made by those three gentlemen.

Q. And made under resolution of Congress?—A. Yes, under a resolution of Congress; but I have learned that Mr. Clark stated that that was not the grade given by them. He did not tell me so.

Q. How much frontage have you on the street?—A. Twenty-three feet four inches, with a depth of lot of 100 feet.

By Mr. ELDRIDGE:

Q. How long have you owned this property?—A. Over thirty years.

Q. What buildings have you on it?—A. A good substantial frame building, with a brick story underneath. I was compelled to put that there in consequence of grading down the street twelve years ago.

Q. And you consider both these grades made by the Government as an injury to your property?—A. It is lessening the value of the property in this way, the improvements could not make the property bring what the improvements have cost. What I object to is, that the grade has been fixed and changed three times since I have been living on the street. The first time it was made by Randolph Coyle, twelve years ago, and the next they commenced in 1869, and it is not ended yet.

Q. Is that the one that is being carried out?—A. There were two or three; I cannot tell which one is being carried out. Mayor Bowen commenced to grade the street. He was stopped. One of the citizens on the street interfered by law.

Q. Did he get out an injunction in court?—A. I do not know how it was, but he was stopped. This was about August, 1869, I think. The grading commenced again last December, under Mayor Emory, when they undertook to grade the whole of North Capitol street out to C street, and the last grading was commenced by Peter Macnamara the last of May or the first of June, after the board of public works came into office, and it was the first work they did.

Q. In this last grading, how much alteration in the street was made?—A. My sidewalk is said to be 22 inches lower than it was before. The curb is set down 22 inches lower.

Q. But still, as you understand it, they profess to be carrying out this order of Congress?—A. Mr. Clark, one of the commissioners, said they were not following that grade. He told Mr. Elliot so; and my eye tells me that the pavement on the west side of the street is much higher than the curb on the east side, when it should be lower, as the water tends that way.

Q. Then the street is not level from side to side?—A. I judge that the filling is higher on the east side than it should be.

Q. Does this variation of 22 inches extend the whole length of the street?—A. No, sir; it commenced at the southeast corner of B street, with a line drawn to the northeast corner of C street. That is the grade of one square.

Q. How is the rest of the grade?—A. That I do not know anything about.

Q. Then this would seem to be a mistake in the grade?—A. That is my idea about it.

Q. Have you spoken to any of the board of public works or any member of the city government about it?—A. Yes, I spoke to George F. Gulick, one of the council. He said he did not know anything about it. I have never applied to the board of public works about it.

Q. Did you talk to the engineer about it?—A. I did not myself.

Q. Did you call the attention of the contractor to it?—A. No; because I did not know it at the time. The way I learned it was that Mr. Elliott, who lives right opposite to me, had to put a full story under his house. He sent for the surveyor, so that he could put his steps there before the story was built. Mr. Forsyth came and marked it in the wall of his house, and when he came to lay the pavement he wanted to lower the grade, but Mr. Elliott held him to the grade he had given, and made him put the pavement there; but you will see that there is a rise right in front of his house.

Q. You said that while they were laying down the pavement at one end there, they were tearing it up at the other. Who was laying down and who was tearing up?—A. The contractor under Mayor Emory was laying it down. He is a colored man. I do not know his

name. He was laying down the gutter, and Peter Macnamara, or his force, was pulling it up at the same time at the other end.

Q. Do you know what was the reason of this cross action?—A. I do not know. They said they were going to pave the street, and that it was absolutely necessary to tear up the curbstone for the purpose of making room to put the twelve inches of sand and gravel required to be put under the pavement, while the contractor who was putting the gutter down was putting it down under the old contract made with Mayor Emery. Mr. Macnamara did not talk to me anything about the grade, and I did not ask him anything about it, but they were all working on different grades.

Q. Which one commenced first?—A. Mayor Emery's man commenced first. I cannot tell you the date when he commenced; I should think the latter part of May or the first of June, and Peter Macnamara commenced about the same time or a little after.

Q. Then I understand that the man who was laying the gutter claimed that he had a contract under Mayor Emery, and that he was obliged to go on and finish that contract although the work was to be torn right up?—A. That is what I supposed.

By Mr. ROOSEVELT:

Q. You say the Seneca stone will crumble under the frost. Have you any special knowledge upon this subject?—A. I have no special knowledge; only what I saw.

[Mr. Green, having been furnished with the original contract referred to by witness, at the request of the committee, read extracts from the same, stating that the contractor was required to underlay the pavement with not less than 8 inches of stone, and not less than 4 inches of sharp river-sand on top, making 12 inches in all; the contract being dated in April, 1870, signed by Peter Macnamara and Sayles J. Bowen, mayor.

Counsel stated that the paper then contained what purported to be an extract from the minutes of the board of public works, ordering that the foregoing contract, made with Peter Macnamara, with the consent of the contractor, be modified so as to authorize him to park North Capitol street, and to grade and pave the same, according to the plan prescribed by the board on the 21st of August, 1871, and that further authority was given to put down a stone pavement on the carriage-way, to be similar to that on H street north, or of Seneca stone, as should be directed.]

By Mr. ELDRIDGE:

Q. Did you ever read this contract?—A. No; but I know a gentleman who did read it.

Q. How did you get the idea that bluestone was required?—A. That is what this gentleman told me; and I can state further, that that contract, dated in 1870, is the contract made with Peter Macnamara, to my knowledge, in 1868, for paving C street and Indiana avenue, and he paved those streets under that contract in 1869.

Q. How do you know that was this contract?—A. It must have been made at that time, because this contract refers to C street and Indiana avenue, and the paving of these streets under that contract.

By Mr. CREBS:

Q. Did you ever hear Mr. Macnamara say that he had to pave these streets with bluestone?—A. No. He wanted to pave them with Seneca stone, but the residents protested, and said he had to pave them with bluestone.

Q. Do you know that these streets were paved in 1869 under this same contract?—A. It was all done under that contract.

WASHINGTON, D. C., February 26, 1872.

JOHN F. COOK sworn and examined.

By Mr. GREEN:

Question. State your residence and official position.—A. I reside at 1005 Sixteenth street northwest. I am at present registrar of the District of Columbia.

Q. Is the record of licenses issued for the District of Columbia in your office and custody?—A. It is; it is the book now before me.

Q. Examine the book and see whether there has any license been issued to John W. McKnight during the last two years.—A. Mr. McKnight received a regular license as a dealer in furniture from November 10, 1870, until November 11, 1871. Since this he has not taken out a license; at least the forms required have not been perfected. He may have deposited money to the credit of the District for that purpose, but he has not received his license.

[Mr. McKnight being present, stated that early in December he deposited the money with the collector for a license.]

I have no feeling in this matter. Mr. McKnight was a member of the legislature who made the license law, and if the deposit has been made, as he says, he has only partially complied with the law. The mere deposit of the money is one thing; but that money can

be used for any other purpose, and it does not entitle him to engage in business without a license regularly issued.

[Mr. McKnight here read a certificate, signed by William H. Slater as collector, acknowledging the receipt of \$8 for a license to deal in merchandise, and stated that the failure on his part to obtain a license from the registrar was an oversight; that he had supposed the certificate of the collector was sufficient.]

By Mr. CRANE:

Q. Is that certificate sufficient to authorize a party to do business?—A. I think not. The question has been before the court in various forms.

By Mr. ROOSEVELT:

Q. Do you register the bonds of the District?—A. I do.

Q. Do you know how many bonds have been issued by the District?—A. I could not tell. We only register a certain class of bonds. We have issued something like \$60,000 for the canal. I do not know the total amount covered by my books.

Q. Do you know how these bonds are negotiated?—A. I do not.

Q. Do you know the total indebtedness of the city in every way?—A. We have a record of the funded debt. We have no complete record of what may be termed the floating debt.

Q. Is the complete debt reported anywhere?—A. Not all the debt. Our accounts are not all in. It could be easily ascertained up to any recent date you might desire.

Q. Do you recollect whether there has been as much as two million dollars of bonds under the four-million loan?—A. I know nothing about that. The records of the four-million loan do not come into my office.

By Mr. ELDRIDGE:

Q. Where is that account kept?—A. I suppose with the governor and the secretary of the District and probably with the comptroller and auditor of the District government. The records of my office only cover the bonds issued up to the creation of the two offices of auditor and comptroller in October, 1870, I think. Before that everything was in my office.

Q. Were you registrar of the city before that time?—A. I was elected registrar of the city and am now registrar of the District of Columbia.

Q. Have you, during the administration of the present government, countersigned the warrants issued?—A. Yes; we countersign the warrants issued.

Q. Were you registrar under Mayor Bowen's administration?—A. During the last year of his administration I was.

By Mr. ROOSEVELT:

Q. Please give a list of the officers of the city who have any record of the city indebtedness.—A. We have in our office a record of the indebtedness down to August, 1870. Since that time I suppose these records are in the office of the comptroller and auditor. I don't know whether they audit and control the accounts of the board of public works or not. I am not sufficiently versed with the arrangements of those officers.

Q. Can you tell who keeps now the accounts of the floating debt in the four-million loan?—A. I presume that is in the comptroller's office.

By Mr. CHIPMAN:

Q. Is not all this matter embraced in the statement of the floating-debt commission?—A. It should be. The entire funded and floating debt, I think, is included in their report. I think that contains an accurate statement of the old as well as the new debt. I do not know anything personally as to its correctness in respect to the floating debt. I know that it is correct in respect to the funded debt, for that is peculiarly in my charge.

Q. You know nothing about the floating certificates of indebtedness?—A. Only in regard to about \$60,000—in account with the Washington Canal—which were issued in my office, running, I think, for one year from the day of their issue. There are certain certificates issued on account of special improvements for the pavements, and other improvements on the streets, which are against owners of property on the principal streets, but are guaranteed by the corporation to the contractor who does the work.

Q. Do you refer to the one-third so assessed under the four-million loan act?—A. No, I refer to certificates issued on the old basis. The entire cost of the improvement was then assessed on the property bounding on the line of improvement, and for which this form of indebtedness against the property-holder is contracted.

Q. That is the same class and kind of work for which, under the new arrangement, one-third is charged to the property owners; is that a frontage-tax?—A. In some instances it is, and in some it is on the area. For a certain class of improvements, such as sewers and alleys, it is assessed upon the superficial contents of the lot. For pavements and street improvements it is assessed according to the frontage, and without any regard to the relative value of the lots in either case.

By Mr. ROOSEVELT :

Q. I have now before me a report of the floating-debt commission to which you refer, classified under various schedules, running from A to E. Do you know to what extent the accuracy of this statement can be relied on?—A. I judge it is correct. The commission cited parties before them I believe, and the statements, so far as the indebtedness was concerned, are made under oath of the parties holding evidences of it.

By Mr. CRANE :

Q. In the Chronicle of Thursday last you are reported as having made a speech at a convention held in the city, in which you used these words—

(The chairman here interrupted, saying that any matter relating to a political speech witness may have made was not pertinent to this investigation.)

By Mr. ELDRIDGE :

Q. Do you know of any diversion of city or District funds to the use of the officers of the city or District government?—A. I do not.

Q. Do you know of any illegitimate use made of the funds of the District?—A. I do not.

Q. Do you know of the affairs of this government being carried on in a deplorable manner; and if so, in what respect?—A. With reference to the speech to which Mr. Crane called my attention, I then gave my private opinion in regard to it. My name was used in connection with the selection of persons to go to Philadelphia to attend a convention for the selection of candidates for President and Vice-President. I did censure some of my associates for using the influences they did to induce men to vote for this or that, and I said it was to be deplored.

Q. Do you know of the funds of the city being used for such purposes?—A. No; I have no such information whatever. I only know that men received their salaries paid from the taxes of myself and others, and that they were pressed to vote for this or that man in the convention; that I stated in the convention. The statement put into the newspapers is not a full and complete or accurate statement. I said it was to be regretted and to be deplored. I referred only to party management, and it was only spoken in a party sense. I am a republican, and think that my fellow republicans should not have dealt hardly with me. I used the word deplorable in a party sense, not referring as a citizen to the administration of the District government at all.

By Mr. CRANE :

Q. Did you state in your convention that the board of public works were using their powers to accomplish political purposes?—A. I made no use of the expression "board of public works" at all.

By Mr. ROOSEVELT :

Q. Do you know that the will of the people was overruled in that convention?—A. I only know that employes about the public buildings of the District and employes outside were sent for, and told how to vote, to use their influence in that convention. I know that one contractor came from the vicinity of where I live, in the western part of the city, and carried a hundred of his men down with him, in this, the twentieth, district, to vote for delegates to that convention. The contractor so stated to me in the presence of witnesses, that he brought them down here to vote. This, however, only relates to a party caucus, and has nothing to do with the administration of the government.

By Mr. ROOSEVELT :

Q. Do you know of any influence to prevent freedom of voting in the last election.—A. I did not see anything; the votes in regard to the loan were one-sided; pretty much all one way.

Q. Do you know of any threats used by contractors of the removal of men?—A. No, sir.

By Mr. ELDRIDGE :

Q. Were the men that you spoke of as being brought down from your district republicans?—A. Yes, sir.

Q. Was this a mere choice between two republicans?—A. Yes, sir; nobody was hurt but republicans.

Q. You were elected?—A. Yes, sir.

Q. And Shepherd was elected?—A. Yes, sir.

Q. Was the will of the party defeated?—A. I think not.

By Mr. CHIPMAN :

Q. Do you think the will of the party was defeated in the choice of delegates to Philadelphia?—A. No, sir.

By Mr. CRANE :

Q. Who prepared the tickets at the last election?—A. They were prepared by the authority of the governor, to the best of my knowledge.

Q. Were not the tickets against the loan withheld, so that they could not be got at?—A. They were freely distributed in my district, where I was. In some of the other districts, in the First ward, there was nothing to prevent any one from voting as they saw fit.

By Mr. ROOSEVELT :

Q. How was it in the other districts?—A. I cannot say. I saw nobody but could get them who wanted them.

By Mr. ELDRIDGE :

Q. Do you know who printed the tickets against the loan?—A. I do not; they were on hand in our district.

Q. Were there persons advocating the loan, and against it?—A. There were parties in my district who chose to vote against the loan.

Q. Was there any intimidation against these men?—A. None that I could see.

Q. Was there an opportunity for all to vote who desired to?—A. I think so.

Q. Were you advocating the vote for the loan?—A. I was in favor of it; I did not advocate it; it did not need it; it seemed to go through on its own merits.

Q. Who opposed it?—A. I do not remember.

Q. Cannot you name any one who canvassed against it?—A. I cannot name any one. There were parties there having anti-loan tickets, that were proffered to persons.

Q. Who were they?—A. I do not remember.

Q. But you are sure the tickets were there?—A. I saw them there; I gave one to a gentleman who voted it himself; he was a judge of the election.

Q. How many votes were cast against the loan in your district?—A. Very few; I do not recollect. The district is composed chiefly of working men, who favored the loan.

By Mr. CREBS :

Q. You spoke about a contingent fund for your office. What amount was appropriated for your office?—A. I think about \$1,000. The appropriation was in bulk by the legislature, the whole being \$10,000, and \$1,000 for that office.

Q. You think \$10,000 is the whole amount?—A. Yes, for the year.

By Mr. ELDRIDGE :

Q. Have you any account upon record of the number of officers in the city?—A. I have not; the comptroller, who is the paymaster, to whom I send my requisitions for the payment of the officers employed in my office. The auditor audits it, and the comptroller issues a warrant for our pay.

Q. Would a list of all the officers appear on his books?—A. Yes, sir; all those of the city government.

Q. What is your salary?—A. Three thousand dollars a year.

Q. Do you know the salary of the comptroller?—A. It is fixed by law at \$4,000.

Q. Is your salary the same as it was before?—A. It is the same as it was during Emery's administration.

Q. Was there a comptroller previous to this new government?—A. There was.

Q. What was his salary?—A. Three thousand dollars.

Q. Was there an auditor under Emery?—A. Yes, sir. The comptroller during Emery's time received \$2,000.

Q. What is his salary now?—A. Three thousand dollars. That was in the city government; now the duties are increased.

By Mr. CRANE :

Q. Did not the tickets for and against the loan have a great amount of printing on them; did not the law require a long story?—A. It was just the same on all; "for" and "against" was the only difference.

Q. Was there not a great deal of printing on them?—A. I think the legislature fixed the form in which the question should be stated.

Q. Was it not generally understood that the District government would furnish the tickets to any one who wanted them, for and against?—A. I do not know; I supposed that each party would prepare its own tickets.

Q. Do not you know that tickets were taken to William Cook's office, and that parties who wished to vote against the loan could not get them?—A. Tickets were on the ground in my district between 7 and 8 o'clock. I was there then and voted. I then went to my office, and found the offices closed. On leaving, as I was going along I met with the incident I have referred to, that of a gentleman attempting to take tickets from a carrier. I signified to him to let them go to the place where they were deposited.

Q. Were they not deposited where those who wished to vote against the loan could not get them?—A. No, sir. On the contrary, I saw persons going and getting them.

By the CHAIRMAN :

Q. Were there any obstructions to any one getting as many tickets as they wanted?—A.

None, aside from the action of the driver of the car, who objected to the gentleman's taking the packages from him. He wanted them taken into the room.

By Mr. ELDRIDGE:

Q. Where was the carman taking them?—A. Up into one of the rooms; Colonel Cook's room.

Q. Who is he?—A. The district attorney.

Q. Was he opposing the loan or favoring it?—A. He was favoring it.

Q. Do you know of any one going into that room and getting tickets?—A. I saw them do it.

Q. Was this an inconvenient place to get them?—A. We consider it about as convenient an office as any in the building.

Q. Was that office kept open?—A. Yes, sir; all day.

Q. Who furnished these tickets?—A. I do not know.

Q. Who had charge of them?—A. They were in Colonel Cook's office.

Q. Who was the party driving the car?—A. Mr. William Chase.

Q. Where is he?—A. I suppose he is about the car-stand near Latimer's.

Q. What kind of a car was he driving?—A. A furniture car.

Q. Was he taking other tickets at the same time to Cook?—A. I do not know what he had; I was only attracted by the disturbance created while I was passing.

Q. You don't know whether he had both kinds?—A. Yes, sir. He carried them up in a basket.

Q. Did you see any person apply for tickets in favor of the loan?—A. No, sir. He gave none to either side; he was carrying them up stairs at Morrison's building. He had just brought them from the printer.

By Mr. WILLIAMS:

Q. Was there any law that required them to furnish the tickets?—A. I do not know of any.

Q. Do you know of any reason why the opponents of the loan could not have distributed tickets freely?—A. I know of none.

Q. Then if any tickets against the loan were printed by the friends of the loan, it was an act of courtesy?—A. Yes, sir, I so considered it.

Q. There was no obstacle; and you found them at all the polling places, did you?—A. Yes, sir.

By Mr. CRANE:

Q. Does not the law require that the tickets be printed on both sides?—A. I do not know.

WASHINGTON, D. C., *February 26, 1872.*

JAMES W. BARKER duly sworn and examined.

By Mr. GREEN:

Question. Please state your name and residence.—Answer. James W. Barker; 1106 H street.

Q. Were you here at the time of the last election, and of the vote for and against the loan?—A. Yes, sir; and voted in the ninth district.

Q. Do you know whether there was any difficulty in getting ballots against the loan?—A. Yes, sir, there was.

Q. What was the cause of that difficulty?—A. The tickets were not delivered from the board of public works for citizens who wanted to vote against it.

Q. Where were the tickets against the loan put; do you know?—A. They were put in Attorney Cook's room, underneath a large office-table.

Q. Do you know of any persons who applied for tickets against the loan, who could not get them?—A. I was not at a voting place where these tickets were furnished until the latter part of the day. I went to my voting place about 8 o'clock, with the calculation that these tickets would be furnished for us, both for and against the loan. Some of my friends wanted to know about the tickets and why they were not furnished. I went to the judges of the election and asked for tickets. They said they had none. The tickets for candidates were there. I asked where the other tickets could be got. None of them knew. Several gentlemen then said they would not vote unless they had a chance to vote against the loan. I appealed to the judges of election to allow them to vote for the candidates; and if the tickets should be procured in the day at any time, that they should be allowed to vote against the loan. They declined to allow any person to come back and vote. I jumped into a car, the voting place being between G street and New York avenue, on Fourteenth street, and went to the building where the office of the board of public works was. I went to the door and it was closed. But there were other parties there, and I saw two come out.

Some edged their way in; and I found the only way I could get in was to edge my way in. I had a ticket in my hand for the loan, and I edged my way in. The door-keeper said to me, "The office is closed to-day." I said, "I am aware of it; I want some tickets," holding out my ticket for the loan, he could tell it by the color. He says, "Yes, sir, you can have those." So he took me in, and took me to the room occupied by William A. Cook, the attorney of the District government. I went into the room, and there was a colored gentleman in there and a white man, and there were a few tickets on the table, probably half a flour-barrel full. He told me to help myself; but I could not find a ticket on the table against the loan. I asked for them. He pointed me under the table. Probably there were two flour-barrels full there. I told him they were the tickets I wanted. Said he, "You cannot have them." I asked why. He said, "Mr. Cook says none of these tickets can go out." I said, "I am a citizen and I demand the tickets," and gathered up four or five bundles of tickets in my hands, of the different kinds, for the loan and against the loan, and against the railroad bill. They told me I should not have those. I told them I intended to have them, and I started with the tickets. Then the parties caught me and, by main force, took them away. In the mean time, I snatched a package of tickets an inch and a half or two inches thick, and slipped them into my pocket. These they did not get. When I got out into the passage-way I intended to apply to the authority for tickets. I went to half a dozen rooms and found the doors locked. I went to one room, and a gentleman came to the door and opened it; and these other parties had their heads out of Cook's room. I demanded to know who they were. The man at first refused to give their names. I insisted, and he said, one is such a name. He gave the name. But I did not get any tickets there except those I had put in my pocket. When there, a colored man came up the stairs with a basket of tickets; he had a half a bushel. I knew the man, and knew his business; he had a cart. It struck me then that he was bringing tickets in. I went down outside of the office; and there was a cart there with tickets in it; a large number of them, tied up in bundles. He had gone up stairs, and I went to the back of the cart and took out some. I think about six or eight bundles. There was a gentleman with me, and, I think, I gave him three or four bundles of tickets against the loan. There were no other tickets in the wagon, that I could see. All the tickets there were against the loan. The bundles were nearly five inches high. Before the driver came down Mr. Hanson, a gentleman of Washington, came by, and to set myself right I called his attention. I said, "I call your attention that I have taken these tickets out of this wagon," then I started, and the gentleman with me. I had gone but a little ways before the driver had returned and demanded the tickets. I declined to give them up; and told him if he wanted them to call his policeman. By that time Mr. Cook came by, and I told him what I had done. When the driver said I must not take them I said I will leave it to Mr. Cook and Mr. Hanson to decide what I should do about the tickets. Mr. Cook said this man is only a common carrier, and probably you better not take them from him. I suppose I went to half a dozen voting places in the city, the central part of it, and I did not see any tickets against the loan, except a few that were put in at the Ninth district, and some in the Fifteenth district. I took about half of the bundle I got at Cook's place to the Fifteenth district, and put some of them in at the Ninth district. I got some half-dozen tickets in at the Fourteenth district. I saw at Cook's office tickets for and against the loan: tickets for several districts, and for the candidates to the legislature. The tickets for all the districts were alike, except as to the names of the candidates for the legislature.

[Mr. Green called the attention of the committee to the act in regard to furnishing tickets, act of August 19, 1871.]

By Mr. GREEN:

Q. Do you know whether, in any district, it was given out and understood by the people that the government would furnish the tickets on both sides?—A. It was understood that we had nothing to do with preparing the tickets; that they were to be prepared by the government. They were prepared and placed in this office, and the office was closed to business.

y Mr. ROOSEVELT:

Q. Did those persons, whom you described as a "colored gentleman and a white man," tell you you could take the tickets in favor of the loan?—A. Yes, sir; that I could have as many as I pleased, but none of those against the loan.

By Mr. ELDRIDGE:

Q. What were the names of these two men?—A. The man who told me, I think, was Johnson. That was the colored man. I think he told me the name of the man in Cook's office was Atkinson.

By Mr. ROOSEVELT:

Q. Were all the offices closed at the time?—A. Yes, sir; to business.

Q. Does Mr. Cook's office belong to the board of public works?—A. Yes, sir.

Q. Where was this carman carrying the tickets?—A. From the front of the building to the office of Mr. Cook. He was entering the door into the office, in the second story.

Q. About what hour of the day?—A. Between 9 and 10 o'clock.

Q. How were these tickets obtained at the polling places?—A. The candidates for office had had their own tickets printed heretofore.

By Mr. CHIPMAN:

Q. Who was the anti-loan candidate in your district?—A. Mr. Binckley. I had the tickets for my district.

By Mr. CHANDLER:

Q. Were you a candidate?—A. No.

Q. Was there any organized opposition to the loan in this city?—A. Not much.

Q. Did not the citizens' association undertake to oppose the loan?—A. I think not.

Q. Were you a member of it?—A. Yes, sir.

Q. Did they have any persons in charge of the arrangements?—A. I made the arrangements in our district.

Q. Did any of the citizens' association, or any officer of it, make any efforts to get tickets against the loan?—A. No, sir. It was understood they were to be prepared by the government. The act was to be printed on the ticket, as we understood, and therefore it was understood that these tickets were to be printed by the government.

Q. Was that the reason that none were furnished?—A. Yes, sir.

Q. Was the subject of tickets ever canvassed by the citizens' association?—A. I think it was, and by citizens outside.

Q. But it was understood that the government was to furnish the tickets?—A. Yes, sir.

By Mr. CREBS:

Q. Do you know how these tickets were paid for?—A. As I understand, by the city government.

Q. Both those for and against the loan?—A. I am not certain.

By Mr. ELDRIDGE:

Q. Do you know of other persons applying for these tickets who could not get them?—A. I know of Mr. J. B. Wilson, who was a candidate in one of the other districts, who applied for the tickets and could not get them.

Q. Do you say the judges of elections refused to take tickets for the candidates to the legislature unless those who offered to vote voted for or against the loan at the same time?—A. They would take our tickets for the candidates, but would not let us come back a second time and vote for or against the loan.

Q. Were both tickets deposited in the same box?—A. I didn't notice. I think they did not have different boxes.

WASHINGTON, D. C., *February 27, 1872.*

JAMES W. BARKER recalled.

[The witness briefly explained with reference to some statements that he had seen in the papers of this city, in regard to his testimony given yesterday; that he got his tickets from the thirteenth district, and deposited them in the fifteenth district, instead of getting them in the fifteenth and depositing them in the thirteenth, also that the car having the tickets before the building of the board of public works was about one-third or half full, instead of having a few votes in it.]

By Mr. ROOSEVELT:

Question. How many tickets do you think there were in the car altogether?—Answer. I suppose may be 50,000.

By Mr. ELDRIDGE:

Q. Is it your opinion from what you observed on that day that any considerable number of persons were prevented from voting against the loan because they couldn't get tickets?—A. Yes, sir; there were no tickets in any of the districts that I heard from; no districts where the tickets were furnished were furnished till the middle of the afternoon.

Q. Is it your opinion that the loan bill was carried in consequence of the tickets being kept away from those who would have voted against it?—A. I can't say that it was on that account.

Q. Do you think that it possibly might have been defeated if the tickets had been furnished?—A. I don't know; I am positive that many voters were prevented from voting on that account.

Q. You say there was no organized opposition?—A. I said that there was not a great deal of organization.

Q. What was the citizens' association organized for?—A. I was not a member at the time it was organized. I attended some of the meetings toward the close, and suppose I

was considered a member. I understood that it was organized to defeat the \$4,000,000 loan bill.

Q. Do you say you did not belong to it?—A. I never attended their meetings until the latter part of the time.

Q. Did you vote against the loan?—A. I did.

Q. Do you believe it would have been possible to defeat the loan if there had been plenty of tickets in the several districts?—A. I don't know.

Q. What is your opinion?—A. I think it is doubtful if we could have done it with the pressure we had against us.

Q. Is it your opinion that the majority of the people of the district were in favor of that loan?—A. I suppose so by the way the vote was counted.

Q. Did the men of property generally attend the polls on that day?—A. A great many did not.

Q. Can you name any persons who did not?—A. I suppose I could. There were two or three of my neighbors who never went to the polls at all. One of them was Mr. Stellwagen and another Mr. Stewart, who has a place of business near me. I didn't make any effort, or very little, toward interfering with the elections.

Q. Did you have any conversation with these gentlemen who staid away from the polls on the subject of defeating the loan?—A. Very little.

Q. What was the reason they staid away?—A. They considered it a mere farce.

Q. Then they did not stay away because they could not get tickets?—A. I don't know that they did.

Q. Do you know any persons who would have voted against the loan, but did not vote because they did not procure tickets?—A. My attention was called to the matter in the morning by a gentleman by the name of Clark. He was disappointed because they could not get votes against the loan, and said he would not vote at all. I appealed to the judges of elections to allow parties to vote for the candidates and then when tickets were procured to return and vote on the question of the loan.

Q. Do you know of any man prevented from voting from not being able to procure a ticket?—A. I don't know except that case of Mr. Clark. He told me he would not vote, because he could not get a ticket. I cannot bring any other one to my mind. I would like to explain; a good many of our people would take a ticket having on it the words *for the loan*, and would strike out the word *for* and insert the word *against*. That was the only difference between the two tickets and the difference in color. Whether these tickets were counted as against the loan or not I do not know.

Q. You obtained some tickets yourself, you said. Did you remain at the polls prepared to furnish tickets to such as desired to vote?—A. I did not hand out a half dozen tickets during the day.

Q. Did you remain at the polls?—A. No, sir; I was at the polls in my district a short time, and at some of the other districts through the day.

Q. Were there persons canvassing throughout the day against the loan?—A. I suppose there were; we had a young man in our district who had tickets with the name of our candidate upon them, who was employed to give out the tickets; and in the latter part of the day, after I had secured that bundle, I put a portion of them in his hands.

Q. Did he remain at the polls with them?—A. I think he was there till the polls closed.

Q. Was there in every district a candidate nominated and running as an anti-loan candidate?—A. I think not in all.

Q. Was there one in your district?—A. I think one candidate was understood to be against the loan.

Q. What was his name?—A. J. M. Binckley.

Q. How much was he defeated?—A. He didn't run at all.

Q. Were there plenty of votes for him?—A. O, yes.

Q. In what other districts were there anti-loan candidates?—A. I don't know. I suppose there were in most of them.

Q. Were the anti-loan candidates elected?—A. I don't think there was one.

Q. Was there any difficulty in getting tickets for the anti-loan candidates in any of the districts?—A. That was what we complained of; men would come to the polls, and retired because they could not get the anti-loan tickets.

Q. Do you say men went away because they could not get ballots to vote against the loan?—A. Yes, sir.

Q. Who were they?—A. I spoke of Mr. Clark.

Q. But you do not know whether he voted afterward or not; were there not others?—A. Yes, sir.

Q. Give the names?—A. It would be impossible to give the names.

Q. Can you give any one?—A. I don't think that I can give the names of any. I took very little part in this thing. I felt it my duty to get tickets when I found there were none there.

Q. Then you cannot give the name of any one who went to the polls and went away without voting because he could not get a ticket, unless it was Mr. Clark; and you do not know but he voted?—A. I tried to induce persons to strike out the word *for* and insert the

word *against*. Some of us thought the vote would not be counted. I do not know whether those votes were counted or not.

Q. Was there plenty of time and opportunity to vote?—A. There was while I was there.

Q. Was there any such pressure as to keep any one away?—A. No, sir; unless it was early in the morning.

By Mr. CHIPMAN:

Q. Do you know how the inspectors of election were appointed?—A. I have an impression, but I don't know that I am exactly correct.

Q. Do you know how they were appointed as to their political complexion?—A. It was understood that there was one person on the board who was opposed to the party in power.

Q. Two republicans and one democrat?—A. I supposed that was the division.

Q. Who was the democrat in your district?—A. I have no idea. I don't know who he was.

By Mr. CRANE:

Q. Were there three candidates in your district?—A. Yes, sir; Mr. Kilburn was a candidate and it was supposed that he took our vote generally. There was a great effort made to get our vote for Mr. Kilburn, and defeat a certain candidate, a colored man. I was approached on that matter and told them I would not have anything to do with it.

By Mr. CHANDLER:

Q. The colored man beat both of the other candidates, didn't he?—A. He was elected.

By Mr. ROOSEVELT:

Q. Was there any democratic inspectors in your district?—A. I think I can safely say that if there was, he was for the loan. It was understood that all the judges of election were in favor of the loan. We asked for the appointment of Mr. Stewart as a judge of election, but he was not appointed; and the governor appointed a young man, a messenger in his bank, for one of them. Whether he was put down as a democrat or a republican I cannot say.

By Mr. ELDRIDGE:

Q. What was his name?—A. Baily, I think.

Q. Is not he a corporation officer?—A. I don't know.

By Mr. CHIPMAN:

Q. Was he a candidate?—A. He was, and wanted to have the democrats to stand aside and get our support.

Q. Then he was not a democrat?—A. I don't know. When he wants to vote with us he claims to be a democrat, and when he wants to vote with the republicans, I suppose he claims to be a republican.

By Mr. ROOSEVELT:

Q. You say people staid away from the polls; why was it?—A. Everything was arranged in such a way by the board of public works that they had the control of everything so much, it was thought not worth while to make any effort at all.

Q. Do you know whether voters were imported from other places into this District?—A. Yes, sir; I know it was said so.

Q. Do you know whether it was so?—A. I saw them come from the steamboat wharf, and coming from other places; persons I never knew before here.

Q. Did you see them landing at the wharf?—A. No, sir.

Q. Did they come in any considerable numbers?—A. I do not know. I took very little interest in it.

Q. Do you know the voters in your district personally to any considerable extent?—A. I have been there thirty-five years. I will say that I don't know them. I know our old citizens, a great many of them, staid away.

By Mr. CRANE:

Q. Do you know the voting population of this District?—A. We have registered from twenty to twenty-seven thousand men. I never thought we had more than twenty thousand voters.

By Mr. CHIPMAN:

Q. Have you taken a census of the District?—A. I have not: but I took the census of the voters of the Second ward some years ago.

Q. How many years ago?—A. I think it was in 1856.

Q. Do you know anything about the increase of population?—A. Yes, sir; the population is increasing very rapidly. We polled at that time about 5,000 votes.

By Mr. ROOSEVELT:

Q. How many voters at the present time are colored?—About 10,000.

By Mr. ELDRIDGE:

Q. What voters did you see coming from the wharf?—A. Colored men.

Q. Could you recognize them?—A. No, sir.

Q. Can you recognize colored men as well as you can white men?—A. No, sir; I have lived with colored people, and I cannot recognize them as well.

Q. You say that it was understood that colored voters were brought in. Where were they from?—A. From Virginia and Maryland.

Q. Do you know of any instances.—A. I do not.

Q. Who gave you the information?—A. I heard it on the public streets.

Q. Are there any men to whom you can refer?—A. No, sir; I cannot. It has been some time since I heard it.

By Mr. CHIPMAN:

Q. Does not the registration of this District show the residence of the persons offering to vote?—A. I believe it does.

Q. When a voter applies to vote is not the registry examined to see whether he is the proper person?—A. It is when I go to vote.

Q. Is not the name erased or checked after the party has voted?—A. It ought to be; I don't know that it is always.

Q. Can you state an instance where it was not done?—A. I cannot state an instance where it was not.

Q. Can you state a single instance where a man voted more than once?—A. No, sir.

Q. Are you prepared to say that you believe that the inspectors in this District acted fraudulently in any way?—A. I am not. I don't know that they did.

Q. Have you any reason for stating that you believe that the ballots were not counted when they had been cast?—A. I have no reason to say so.

By Mr. CRANE:

Q. Have you paid any attention to the work going on upon New York avenue between Fifteenth and Ninth streets?—A. Yes, sir.

Q. Please state to the committee how that work is being done?—A. It is in a part of the city where I reside; nearly every day I am on the street where some of these improvements are going on. I notice that on the corner of Fifteenth street and New York avenue where the curbstones were taken up they were set out about 10 feet; and then some time afterwards they moved them in again about 5 feet. Between Fourteenth and Fifteenth streets the curb was raised up about 15 inches. At the corner of Fourteenth street and at the backbone, opposite Mr. Gardner's house, it looked to be about 2 feet. The street was filled and the sidewalk was made. Then some time afterwards they took the curb up and put it back where it was before.

Q. State what you know about the concrete pavement on the north side?—A. Between Fourteenth and Fifteenth streets they have a concrete pavement 18 inches, perhaps, below the curb; about a foot below the trap for the sewers. They made a wrong calculation about the grade and have to raise the whole pavement up and put down a new one, or build another on the top of that already made.

WASHINGTON, D. C., February 27, 1872.

JESSE B. WILSON duly sworn and examined.

By Mr. GREEN:

Question. State your name, residence, and occupation.—Answer. Jesse B. Wilson; I reside on Sixth street, between D and E, and am a merchant.

Q. Were you a candidate at the last election?—A. Yes, sir.

Q. Had you any difficulty to obtain tickets against the loan?—A. I did not get any at all, except a few about 4 o'clock in the afternoon.

Q. What district are you in?—A. The fifteenth district.

Q. State whether you know that the tickets against the loan were suppressed, and, if so, by whom?—A. I don't know that they were suppressed. I could not get any.

Q. Did you make any effort to get any?—A. I did.

Q. State what efforts you made?—A. About 8 o'clock in the morning a young man, in my interest, came to my office and said the people refused to vote at all because there were no tickets against the loan, and asked what they should do. I told him I understood that not voting for the loan was, substantially, voting against the loan, and if tickets were not furnished for the loan, in effect it would be as if they were against the loan. About 9 o'clock another person came to me and said that there were plenty of tickets for the loan, but none against it. I ordered my buggy and started to find out what the state of affairs was; and having done so, I said I would go to the governor's office. I first went to his office and found no one there except a messenger, and he said I could not see the governor. I then

went to the bank and asked to see the governor. I was told that he could not be seen that day. I said I would like to see him very much, and was again told that he could not be seen. Just then another man came in who wanted to see him, and was taken into another room to see him. I asked why I could not see him. He said I could not. I then went and had some tickets printed and carried them to the polls and offered them, and was told they would not amount to anything. I got a few tickets about 4 o'clock in the afternoon; a gentleman came out there with a few tickets and said where he got them.

Q. Do you know whether any person connected with the District government caused it to be generally understood by the people of the District that the government was to furnish tickets on both sides, for and against the loan?—A. It was my distinct understanding that all the tickets were to be furnished except tickets for the individual candidates; the candidates were to furnish their own tickets. It was distinctly known that the district government would furnish all the tickets for and against the loan.

Q. Do you know that the District government did have tickets furnished against the loan?—A. I have since known it, but did not know it then until about 4 o'clock in the afternoon.

Q. Do you know what became of those which were furnished by the government against the loan?—A. I do not, only from hearsay.

By Mr. CRANE :

Q. Have you been over the Seventh-street road within the last week?—A. I have.

Q. State your opinion in regard to the economy of that work, whether the amount of money being expended is justifiable in your judgment?—A. There certainly has been a vast amount of money expended.

By Mr. ROOSEVELT :

Q. Do you know the cost of macadamizing a road per mile?—A. I don't know anything about it.

By Mr. CREBS :

Q. Your district is the fifteenth?—A. Yes, sir.

Q. How were the judges of election there? Were they for or against the loan?—A. I do not know.

Q. Did you know the men?—A. I did not.

By Mr. ELDRIDGE :

Q. Do you know of any persons who went away from the polls without voting, because they could not get ballots against the loan?—A. I think I can name one person; that person thought it was no use, that the whole thing was a fraud, and I think he said he would not vote.

Q. Who was it?—A. James Bowen.

Q. Where is he now?—A. In the city somewhere.

Q. What was the amount of your vote that day?—A. About 300.

Q. What was the vote against you?—A. About 800. I had no idea of being elected.

Q. Did you run distinctly as an opponent against the loan, or as a party man?—A. Not as a party man.

Q. Do you belong to either party?—A. I have always contended that in this District national party should not have any influence.

By Mr. CREBS :

Q. On whose nomination were the inspectors of election appointed?—A. I don't know. I did not know them. I simply permitted myself to run to meet a question, that the people might see that there was somebody against the loan.

Q. Did you canvass on the subject?—A. I did not.

Q. Did you have friends canvassing for you?—A. I did not enter into the field until Monday morning. I simply had an object in view. I believed then, as I do now, that the whole thing was a fraud—a complete fraud—and I say it conscientiously.

Q. You did not make any arrangement for the printing of ballots for yourself?—A. I had them printed on my own account.

Q. Did you apply to anybody for tickets against the loan?—A. No; except the effort I made with the governor. I did not know where else to apply.

Q. Did you see any tickets against the loan?—A. None except those I carried there, until late in the afternoon. I had some printed and carried them out there simply to get persons to vote for me.

Q. Did you run in any other district except the fifteenth?—A. No, sir.

Q. Did you visit other polling places?—A. I did.

Q. Did you see there any ballots against the loan?—A. I think I saw some on Capitol Hill.

Q. Were they printed on yellow paper?—A. Yes, sir; there were tickets on yellow, green, and brown paper; they were of various colors.

Q. Is it your opinion that if there had been ballots there at the polls, against the loan,

you could have carried a majority of the votes against it?—A. I said in the outset I had no idea of being elected any more than the most absurd thing to be conceived of.

Q. You thought the thing was out of the question?—A. Yes, sir.

Q. What is the character of the population in your district; are the majority colored people?—A. At the last election I think it was so arranged that the majority would be colored people. I don't know.

Q. Are they principally laboring people, non-property-holders?—A. Yes, sir; there are some few property-holders.

Q. Do any of the wealthy colored people live in your district?—A. Some in that district, own property. Just before the election they were as much opposed to the loan as I was, but a few days before they were changed.

Q. Do you know what brought about that change?—A. I can only speak of one man, who was in my employ. He told me that Mr. Choate, the other candidate in that district told him——

[Mr. Chandler objected to the answer of the witness, inasmuch as it was hearsay and at two removals. In justice to Mr. Choate, he thought that this should be proved in some other way. The witness was directed to answer the question.]

A. The colored man said that a short time before the election a committee of colored men had been to Mr. Choate and asked him if he was for or against the loan, and he said he was against it; and they said if he was opposed to it they would vote for him, because they could not vote for a democrat, and if he was opposed to the loan they would vote for him.

By Mr. CHANDLER:

Q. Was this colored man a member of that committee?—A. Yes, sir.

Q. What is his name?—A. Julius Warren.

By Mr. ELDRIDGE:

Q. Did this man profess to have been deceived as to the position of Mr. Choate?—A. From his conversation I think he claimed to have been deceived; I don't know.

By Mr. HARMER:

Q. This man is in your employ, is he?—A. Yes, sir.

Q. He gave this as a reason why he voted for the other candidate?—A. He was complaining, talking about the board of public works.

Q. He gave it as a reason why he voted for the other candidate and against you?—A. He gave it as a reason for voting for Mr. Choate, and was complaining about the expenses made by the board of public works. I said, "You ought not to complain, for you voted for Mr. Choate, and he was in favor of the loan." "No," he said, "he was against the loan." It grew out of the expenses being debated generally throughout the town, about the taxation, and so forth. He owned some property and was complaining about the taxes.

By Mr. ELDRIDGE:

Q. Do you know, yourself, what was the position of Mr. Choate?—A. I do not know. It was understood that he was for the loan. I heard Mr. Chipman make a speech for him one night, advising the colored men to stand by him and he would stand by them.

Q. Was it a good speech?—A. It was a good speech for the class he was speaking to. I remember one remark he made about me. He said that I lived in the day of the past; but we were now in the present.

By Mr. CHANDLER:

Q. This seems to be hearsay?—A. No; I heard that myself.

Q. Did you ever hear anybody else except this colored man say that Choate was against the loan?—A. No, sir.

Q. Was this the first time that you had heard Choate was against the loan?—A. No, sir; I had heard it before.

Q. You understood that he was for the loan when you were running?—A. Yes, sir; I was running against the loan and I did not think anything about Choate, and did not care.

Q. You were the only candidate opposed to him?—A. Yes, sir.

Q. And you went in to run as the anti-loan candidate?—A. Yes, sir; didn't know nor care whether Choate was for or against it.

WASHINGTON, D. C., February 27, 1872.

Mr. CRANE here said he would like to answer the question of Mr. Eldridge as to whether any one was deprived from voting against the loan. "I," said he, "was deprived of the rights of an American citizen by the meanest trick ever perpetrated in any community. I searched in vain for a ticket till 2 o'clock that day, and was obliged to vote for the candidate without voting

against the loan. I made diligent inquiry for a ticket against the loan and could not find one. I went to the polls about 7 o'clock in the morning, and I saw the messenger of the water department with a corporation horse and with a load of tickets. I asked for some. He gave me all except those against the loan. I asked for those, and he said he had none. I asked why he was not delivering them; and he said he was told not to. I live in the fifteenth district."

By Mr. CHANDLER :

Question. Who was the man with the tickets?—Answer. A colored man; a messenger employed in the water department. I met him at the corner of Fourth and L streets; he was carrying out tickets to the polling places; he said he had not any against the loan, and did not know where they could be found. In that district there were two corporation officers as officers of the election; the same men who are at the head of this government came to Congress and procured the passage of a special act, prohibiting any corporation officers from acting in that capacity.

Q. Who were they?—A. William Bramhall, deputy tax-collector, and James Tally, superintendent of street work in the fifteenth district. I think one or more were in nearly every district in the city.

By Mr. ELDRIDGE :

Q. Did you vote that day?—A. Not against the loan; I voted for the candidate; I could get no ticket; I spoke to Mr. Wilson about it, and he went and got some printed; we were told they were not legal; some voted them and some did not. I had voted for the candidate before they were brought to the polling-place.

Q. Do you know any person besides yourself who did not vote because they did not have ballots?—A. I heard several spoken of; I cannot remember any one; I cannot give the name of any one.

Q. Do you know any one who went there to vote, and did not, because he could not procure a ticket against the loan?—A. I heard Francis Mohun say, on the morning of that day, that he voted; but he said he did not vote against the loan, for he could not get a ticket.

Q. Was the anti-loan candidate elected?—A. No, sir.

Q. How much was he defeated?—A. I do not remember.

Q. Is it your opinion that if you had had ballots against the loan at the several polls, you could have defeated the loan?—A. We could not, because the people had not registered. The loan bill was not carried by a majority of the votes of this District.

By Mr. HARMER

Q. How many voters have you?—A. Last spring we had some 28,000 and odd.

By Mr. ELDRIDGE :

Q. What persons did not register?—A. What are called the old citizens; the wealthier citizens, like Mr. Corcoran.

Q. Have they previously voted?—A. Yes, sir.

Q. Were they not registered?—A. We are required to register every year; and we have had two registrations this year, at an expense of nearly \$40,000.

Q. Are they required to register every year?—A. Yes, sir.

Q. Do you think the majority of the voters who went to the polls that day were for, or against the loan?—A. I think the majority would have voted for the loan any way, for I believe they were compelled to vote; they bought up all the newspapers of the District, and had everything their own way; and there was no reason why they should not carry it.

Q. Then the absence of tickets was not the cause of the defeat of the party opposed to the loan?—A. Not at the time; but if the people could have had a fair opportunity, I believe the loan would have been defeated by a large majority.

Q. Do you suppose those who staid away from the polls were opposed to the loan?—A. I do.

Q. Why didn't they come out?—A. Because they saw it was a foregone conclusion, and would not fool away their time in going.

Q. Was this a party question, as between democrats and republicans?—A. No; democrats voted for it; large contracts were given out to democrats, and, of course, they had their influence with their associates, and influenced them to vote as they did.

Q. They did not divide on party grounds?—A. No, sir; some of the oldest republicans were against it, and some democrats were for it. Most of those who did not come out were mostly what are called conservatives. Mr. Corcoran said it was useless.

By Mr. ROOSEVELT:

Q. Why?—A. Because the board of public works employed so many men that they could control the vote.

Q. Have these men who remained away voted heretofore?—A. They voted for Emery.

Q. Were they successful?—A. We had a reform republican party.

Q. Did those people who neglected to register now register then?—A. I think so.

Q. Have the old citizens of Washington—many of them—generally neglected to register?—A. They have until the election of Emery; then, I think, Mr. Corcoran came out.

Q. You believe that if they had come out and voted you could have defeated the loan?—A. I think if the people had been left alone, and these means to influence the laborers, and such an immense number of them had not been put on the streets, the loan would have been defeated.

Q. What do you mean?—A. If the people had had an equal opportunity with the board of public works. The money of the government was used to secure the support of the press, by giving advertisements at the expense of the people; otherwise the loan would have been defeated.

Q. Did all the papers here advocate the loan?—A. All but one, "The Citizen;" that struggled along against it. The Patriot opposed it a short time, and finally fell into line.

Q. Before the election?—A. As soon as it secured the government advertising—about six weeks before the election.

By Mr. CHIPMAN:

Q. Did its management change hands?—A. At the time it fell into line I think William M. Tweed owned the most of the paper, when it came out and advocated the four-million loan. Since it has got into honest hands it has taken a turn.

Q. You have sworn that the newspapers were bought up?—A. In my judgment they were.

Q. It is an opinion, then, and not a fact, is it?—A. I have no knowledge; I give it as my opinion. According to my best knowledge and belief, the newspapers were purchased by the corporation advertising to support that loan.

Q. You think the newspapers had no convictions of their own upon the subject?—A. I do not believe they would have supported the four-million loan if they had not received this advertising.

Q. Do you think the editors and reporters were corruptly purchased?—A. I do believe so.

Q. You state it as an opinion, and not as a fact?—A. I state it as my opinion.

Q. Had you any evidence except that of their being benefited by the advertising; you infer it from that fact?—A. I have heard some rumors.

By Mr. ROOSEVELT:

Q. Was there any necessity for advertising this loan in all the papers?—A. I don't know what necessity there was of advertising in so many newspapers; it was never done before.

Q. Could it have been advertised equally well in a smaller space?—A. I think so.

Q. Do you know that any voters were imported at that time?—A. Do not know that they were; we thought they were, but I don't think it occurred to that extent that it did in the spring.

Q. Were there larger numbers of men employed then?—A. In my opinion there were more men employed by the contractors and others than voted for the four-million loan.

By Mr. ELDRIDGE:

Q. What was the majority for the loan?—A. About 13,000.

Q. Do you think the board of public works had 13,000 men in their employ?—A. I think they had, in the employ of the city in various ways, at election time. I include the various officers, and also all the men there employed and under their control.

Q. What was the whole vote for the loan?—A. Between 14,000 and 15,000.

Q. How many against it?—A. I think between 1,400 and 1,500; majority for it was about 13,000.

Q. Is it your opinion there were 13,000 men employed on the work which was being done in the District?—A. It is my opinion that there were at least 13,000.

Q. Where were they employed?—A. All over the District, swarming like bees, on the streets, in all sorts of capacity, cleaning the streets, cleaning the gutters, working under contract, grading streets by days' work, and by contract work. I have had a statement from the surveyor that there were 500 men and over on one street.

By Mr. ROOSEVELT:

Q. Do you know who paid for the tickets for the loan?—A. I only know there was an appropriation bill for \$1,100 to pay Gibson & Brothers.

By Mr. HARMER:

Q. Do you know how many votes were cast at the election preceding the one on the loan?—A. I think about 23,000.

By Mr. ELDRIDGE:

Q. Do you know of any money being paid for votes?—A. I do not; if I did I should have exposed it long ago. I have no knowledge only that I heard that the board of public works put a sum of money into the hands of Hallet Kilburn and that he paid it out.

Q. Do you know whether that was furnished by the city authorities, or whether it was the contributions of individuals?—A. I have no knowledge on that matter. I would not

wish to say that the board of public works took public money and used it for that purpose.

Q. Then what do you mean?—A. I mean to say, from what I can learn, that members of the board of public works furnished money; where it came from I do not undertake to say.

Q. Is it your belief that the board of public works used public funds for this purpose?—A. I don't like to say whether I do or do not. I do not like to say I do not believe it or that I do. I would like to investigate matters a little further before I say it.

Q. What reason have you to believe it was public money that was in the hands of Mr. Kilburn?—A. I have no reason for any such inference other than this: From the means taken to carry the bill to get possession of this vast amount of money, and from the way the bill was got through Congress, and from the way they have done things, my opinion is that men who will act in that way would not scruple to use public money.

Q. What do you mean by the means used to get it through Congress?—A. I mean the same means that have been used this winter, of giving entertainments to members of Congress, entertainments to which members of this committee have been invited.

Q. Do you know that any such means were used last winter?—A. I had information that costly suppers were given by men, under suspicious circumstances, who were trying to get that bill through.

Q. Do you know that the owners of property here very generally petitioned for the passage of that bill?—A. I know they did, because it was said that the Government property here was to be taxed.

Q. Did you sign that petition?—A. I did not. I was opposed to the form of government.

Q. Do you know that many of those petitioners applied to members of Congress to vote for the bill?—A. I heard they did.

Q. Do you know that a large number of the leading men of Washington came to Congress asking for this bill to be passed?—A. I know that a large number did, and I know it was represented that the Government property was to be taxed.

Q. Do you not know that the reason given by many was that they could not endure a negro government here any longer?—A. I know that many prominent men said there should be no political parties here hereafter.

Q. Do you not know that many prominent republicans and democrats gave as a reason that the negro government was intolerable here?—A. No, sir.

By Mr. CHIPMAN :

Q. Do you object to our citizens extending hospitalities to our visitors?—A. I think if I was before a jury who were trying to investigate a case in which I was interested, I should not consider it in very good taste to invite them to my house to an entertainment while the investigation was going on.

Q. Do you think any member of this committee has been corrupted?—A. I do not mean to say anything of the kind.

Q. Do you think they have acted improperly in accepting the hospitalities of the citizens of Washington?—A. I don't know that they have.

Q. What do you mean?—A. I don't mean to censure this committee; I was explaining how this bill was passed four millions. I said this was done by the same men who tried to influence Congress last winter.

Q. Are these entertainments confined exclusively to the Committee on the District?—A. I do not refer to them. I am not able to say. I only heard that immediately after this investigation commenced the governor had a party, at which none but members were present.

Q. Do you not know that the governor's house has been closed during the winter, on account of sickness in his family?—A. I do not know anything about that.

Q. Then why do you throw out these insinuations?—A. I only know what has been given me by a prominent member of the city government.

By Mr. ELDRIDGE :

Q. Who was he?—A. It was told to me, I suppose, in confidence. It was Captain W. W. Moore who gave me the information.

Q. Who is he?—A. He is a member of the house of delegates.

Q. What were his politics?—He was formerly a whig.

Q. With what party does he act now?—A. He is opposed to the present dynasty.

By Mr. ROOSEVELT :

Q. Do you know of any invitations that have been given to this committee since the investigation commenced? If you do, I do not. I have not received my share.—A. I only know what I have seen in the papers. This examination is very different from what I expected when I arose. I did not give this as my own knowledge, but as what I heard.

Mr. CHIPMAN. I only asked you because you threw out some very unfair insinuations in reference to members of this committee.

By Mr. CHANDLER :

Q. What office have you held under the city government?—A. I was at one time com-

missioner of the Fourth ward, under Mr. Bowen, and was registrar of the water board last year.

Q. Were you removed from office by him?—A. I was; but I would like to know what that has to do with the matter.

Q. I propose to examine you. Did you have a quarrel with Mayor Bowen on account of the removal from office; did you have a public and personal controversy with him?—A. I had a controversy on account of a stupendous fraud in that ward; I exposed it.

Q. Did you support Mayor Emery as against Mayor Bowen?—A. I did.

Q. Did you make yourself prominent in opposition to Mayor Bowen, and in favor of the election of Mayor Emery?—A. I did.

Q. What office did you have under Mayor Emery?—A. Water registrar.

Q. Were you continued under the new government?—A. No, sir, I was not.

Q. Who owned the Citizen newspaper?—A. It was carried on by a fund raised by the citizens of the District.

Q. What part had you in connection with it?—A. They requested me to manage it.

Q. Did you?—A. I did.

Q. Did you write editorials for it?—A. I wrote some.

Q. And you have been an earnest, vindictive, and bitter opponent of the present government?—A. I don't know about being vindictive.

Q. Have you been bitter?—A. I don't know that I have.

Q. Was not your bitterness and opposition caused from the fact that you were removed from office?—A. It was not. I said I would not have any office under the new government.

Q. What was the character of your articles in the Citizen? Have they been of a bitter, scurrilous character?—A. I don't know that they have. I don't think they have been half as severe as the occasion demanded.

Q. What have been your feelings toward the government?—A. My feelings toward the government are that it is the worst government in this country, and ought to be obliterated.

Q. What has been your feelings toward individuals in the government?—A. I have not had any trouble with any member of the board of public works. Mr. Shepherd and I have never had an unkind word.

Q. You don't conceive that you are and have been acting in a vindictive manner?—A. No, sir; I have not had a single particle of vindictiveness against any member of the board of public works.

Q. Have you been careful in your charges and allegations?—A. I have not been.

Q. Were you, when you said 13,000 men were employed by the board, here?—A. I gave that as my belief.

Q. Do you not know that that is an untruthful statement?—A. I do not know it. I saw a statement that the paymaster had on his rolls 7,000 men.

Q. Have you taken any pains to verify that?—A. I have not. I would not be able to find out anything about it if I had.

Q. Have you examined the evidence given before this committee?—A. I have.

Q. Have you evidence to believe that there were 3,000 employed?—A. I have their own statement sent in here, which will show that it is very near it. I included those employed by contractors, and what were controlled by the government.

Q. You think that is a truthful and impartial judgment, do you?—A. I do.

Q. All your statements you have endeavored to make as impartial as that?—A. I am stating what I state under oath, and according to my best knowledge and belief. I may vary 2,000 or 3,000.

Q. Is that statement as truthful as any that you have made, when you say that 13,000 men were employed by the District here?—A. No, sir; I don't say that because I have more knowledge about other statements. I give this as my observation, passing around the District.

Q. I wish to know whether you persist in your statement that there were 13,000 men employed?—A. I will not retract it till I see it refuted.

Q. Is that your present opinion?—A. My present opinion is there may have been very near that amount in the city government, and employed in different ways. I said there were nearly as many employed as voted for the loan. I did not undertake to give the exact number, it may vary 2,000 or 3,000, and perhaps 5,000.

Q. Then you may take off 5,000?—A. No, sir.

Q. Are you a property-holder in this city?—A. No, sir.

Q. What taxes have you paid?—A. I did pay tax or license when a merchant. If this is to cast a slur because I have done my duty—

Mr. CHANDLER: No, that is not it. I wish to know if you are a property-holder, and what tax you have paid.

A. I have paid taxes as a merchant and done a business of nearly \$1,000,000.

Q. What became of the profits?—A. I lost them.

Q. Then you don't own any real estate or pay tax for any property?—A. I have for my furniture.

Q. You have paid no tax for the last two or three years?—A. No, sir; no other tax than a tax on my watch.

WASHINGTON, D. C., *February 27, 1872.*

CHARLES EDMONDSTON duly sworn and examined.

By Mr. GREEN :

Question. State your name, residence, and occupation.—Answer. Charles Edmondston. I live on Eighteenth street, Washington, D. C.; am a builder.

Q. Do you know much about the last election, when the question of the loan was up?—

A. No, very little.

Q. Did you vote?—A. Oh, yes; always vote; never miss that.

Q. In what district?—A. In the thirteenth.

Q. Did you have any difficulty in getting tickets?—A. No, sir; I didn't have any difficulty. I procured some tickets about half past 8 o'clock. I went to the Morrison building about that time and got a few tickets against the loan. I did not find any against the Piedmont Railroad. I asked for tickets against the railroad and was told they hadn't any.

Q. Was it generally understood by the people that tickets were to be furnished by the District government?—A. I don't know how that was. I found out at the polls, when I went there in the morning, that tickets were to be obtained at the office, and I went and looked for them.

By Mr. CHAPMAN :

Q. Do you know who furnished the tickets for and against the Piedmont Railroad?—A. I do not.

Q. You do not know whether they were furnished by the government, either for or against it?—A. No, sir.

By Mr. CREBS :

Q. Do you know whether any tickets for the railroad were there?—A. I think so. I did not inquire for them.

By Mr. ELDRIDGE :

Q. After you went to get these tickets there, were tickets in your district against the loan?—A. I carried them up.

Q. Did you carry up enough?—A. I got three or four bundles.

Q. Did Mr. Cook make any objection to your having them?—A. He didn't seem to care much about it; they were under the table.

Q. Were the others on the table?—A. Yes, sir.

By Mr. GREEN :

Q. Was the office so that any body could get in?—A. Yes, sir; it was open then.

By Mr. ELDRIDGE :

Q. Did you visit any other polling-places?—A. I did not.

Q. What was the vote in your district against the loan?—A. I do not recollect.

Q. Who were the candidates in your district?—A. Mr. Shepherd and Mr. Harkness.

Q. Who was elected?—A. Mr. Shepherd.

Q. Was the man running against him a colored man?—A. No, sir; he is one of our oldest and best citizens.

Q. Who was he?—A. John C. Harkness.

Q. Was there any political question there that day?—A. Not that I know of.

Q. When you took these votes there, what did you do with them?—A. I left the biggest portion of them at a carpenter's shop near by, so that any one could have them that wanted them.

Q. Do you know what was done with them?—A. No, sir.

Q. Did you request persons to hand them out?—A. I don't know. There were some persons around there and I left them, and I told them where they could get them.

Q. Was there much effort made at the polls by way of canvassing?—A. I don't think anybody was there taking any special pains.

Q. What was the feeling of the District generally in regard to the loan?—A. I supposed nine-tenths, or nineteen-twentieths, are against it.

Q. Are there many laboring people in your district?—A. In the upper part of it there are.

Q. Did the property-holders generally go to the polls?—A. Yes, sir.

Q. Did they register?—A. Many of them did not.

Q. Why not?—A. They didn't think it worth while. I know three or four right in my immediate neighborhood who did not vote. They had voted heretofore, but they did not go that day.

Q. Were any meetings held in regard to this question before the election?—A. A few were held in the latter part of the fall, but none till near the end of the campaign. Property-holders are not generally a class of men who give their time to running about to meetings, and they do not like this registering every year.

Q. But the property-holders were more interested in this than the others?—A. Yes, sir; but they were disgusted.

Q. Do you think that if the property-holders had gone they could have defeated the loan?—A. I think they would.

Q. Have this class of men pretty generally kept away from the polls since the new order of things in the District?—A. A great many have.

Q. What is the reason?—A. There is such a crowd: they do not like to be in a crowd, and to undergo so much difficulty.

Q. Are there not polling-places enough for the population?—A. There are now. There are about three polling-places in each district.

Q. Was there anything to hinder voting in your district?—A. No, sir; there was plenty of time to vote.

Q. Could they vote without annoyance?—A. Certainly. The registry, I think, seems to be the greatest objection to the people. I think it's absurd to register so often.

By the CHAIRMAN:

Q. Would there be any safety here as to the character of the vote, having so many clerks here and colored men, without the registry?—A. If I am on the poll-list as a tax-payer, I should be known as a voter, and so would all the property-holders, without registering.

By Mr. CHIPMAN:

Q. Are not Senators Edmunds and Morrill property-holders here?—A. I suppose so; but I don't suppose members of Congress can vote here.

Q. Did not these property-holders vote when Mr. Emery was elected mayor?—A. More than have done for some time.

Q. What was the vote then on both sides?—A. Somewhere from 26,000 to 28,000. The colored vote was divided then, part voting for Bowen and part for Emery.

By Mr. CHANDLER:

Q. When did you get to the polling-place with votes against the loan?—A. Between 8 and 9 o'clock.

Q. How many votes were there in your district against the loan?—A. I don't remember.

By Mr. CHIPMAN:

Q. You speak of the property-holders opposing the loan; was it because they opposed improvements?—A. No, sir.

Q. Was it not generally because they opposed the plan of raising the money?—A. I don't think they like to have their property liable to tax for so great amount of money.

Q. They could not understand that this plan was more economical than that of making appropriations from year to year?—A. I don't think they thought so. Our taxes are very great now, and I don't think they will be any lower under this loan.

Q. Have you ever attempted to reason that out?—A. I have with some gentlemen.

Q. Explain briefly why you think it will increase taxation?—A. There is nothing to prevent it. You have to pay the interest on the money.

Q. Do you know what you used to pay as a ward fund?—A. I don't recollect. I know we used to pay about 50 cents on the \$100 for taxes.

Q. You paid \$1 80 last year, and you pay \$1 70 this year?—A. Yes, sir.

Q. You think it is better to pay at once than to continue the debt to be paid in the future?—A. I think so.

Q. Do you take into consideration the increased value of property and the relation of that increase to these improvements?—A. I have not seen it yet.

Q. Have you ever thought of the increased value of property brought into the market?—A. Some property in particular localities may be increased, but you cannot rent property now for more than we did. Poor people, many of them, will have to sell their property to pay for improvements.

Q. Then it was not so much an objection to the *personnel* of the District government, as to the plan of raising the District money?—A. I objected to the plan—the alterations of the grades, the parking, &c. I should object to any material change whatever. If a gentleman commence building, having his lot and building with reference to a certain grade, and then has to cut down or raise up 5 or 6 feet, it detracts very much from the value of his property. I think the general good requires that the grade once fixed should be adhered to.

Q. If we have a law which provides for reimbursing property-holders for damages thus incurred, would not that remove the objection?—A. I would like to ask where the reimbursement is to come from.

Q. From the property in the vicinity.—A. I should think I should have to pay a part of it myself, and yet I think that if property is injured it should be paid for. But all these damages will be assessed upon the property-holders. It will be like a man paying his own bill.

Q. It was this kind of reasoning that led you and other property-holders to oppose the loan?—A. Yes, sir.

By Mr. CREBS :

Q. You said taxation would be very heavy ; that poor persons would have to sell ?—A. Yes, sir.

Q. Is that your judgment ?—A. Yes, sir ; in some cases the improvements will amount to more than the property is worth. Where one owns a little property worth, say, \$2,000, and an assessment is made against it, say \$500, the property-holder may be obliged to sell to raise that amount ; and after the improvements are made it will sell for no more than before.

Q. What class of property-holders will be injured by this system of improvements ?—A. It is the poorer class that will be most injured.

Q. When was the last assessment made ?—A. It is not completed now.

By Mr. ELDRIDGE :

Q. Was personal property included in the assessment as much, formerly, as now ?—A. They may have got it more fully now than before.

Q. Did a great deal of personal property escape taxation before ?—A. I think so.

By Mr. CREBS :

Q. What is the difference between the two governments in finding the property ?—A. I don't think there is any improvement whatever. Heretofore a general assessment was made only once in five years, and a person who came in directly after the assessment would escape till the next assessment. Now they go around every year and find out new buildings, &c.

By Mr. GREEN :

Q. Is it not a fact that one reason for the opposition on the part of property-holders to this government, apart from the *personnel* of the government, was that it was opposed to the principle of putting so much power in the hands of any five men ?—A. That is undoubtedly one very strong reason.

Q. Do the people think it too much power to be placed in the hands of five men ?—A. Yes, sir.

By Mr. CRANE :

Q. Did you build the stable for Hon. James Brooks ?—A. I did.

Q. State what you know about an alley there being taken possession of by the board of public works ?—A. I simply said if they did not make haste and get it paved they would have Mr. Shepherd after them.

Q. Is it a private or public alley ?—A. I think it is a public alley.

Q. Did they have to undermine a house there ?—A. I think they did.

Q. Do you know whether the parties have presented bills for the payment ?—A. I do not.

WASHINGTON, D. C., February 28, 1872.

JOSEPH L. PEARSON sworn and examined.

To Mr. GREEN :

I reside in Washington City. I am a printer. I printed tickets to be used at the last election. Messrs. Gibson Brothers employed me to print them. I printed 120,000 "for special improvements," and, I think, "against the Piedmont Railroad subscription." I do not know who paid Gibson Brothers. They paid me. I did not furnish either the paper or the composition. I only charged for the press-work and cutting the tickets. The paper was furnished of two colors—white paper for the one and colored paper for the other.

Question. Did you print any counterfeit tickets for any one ?—A. Yes ; I printed them for nearly all the democratic candidates. I got the order from Mr. Dixon. I do not think that I printed any with Mr. Dixon's name on. He did not think it necessary to have counterfeit tickets in his district.

Q. Was Mr. Dixon for the loan or against the loan ?—A. I cannot say. I do not know how he voted. We were very busy that night, and I really had not time to read the tickets.

By Mr. ELDRIDGE :

Q. What do you mean by counterfeit tickets ?—A. I mean tickets for a democrat in imitation of tickets for a republican. The republican tickets were printed on paper of a dark salmon color ; and these democratic tickets that I call counterfeit were printed on that colored paper. The regular democratic tickets were printed indifferently, on white paper and on such paper as I happened to have. The only difference between the regular democratic tickets and the counterfeit was as to the size and color. My understanding of the object was that they should be used by parties who desired to vote the democratic ticket, but did not want the election people or the public to know that they did so.

Q. Do you know the object of printing ballots on paper of different colors?—A. Not at all.

Q. Do you know whether it was in order to force a certain class of voters to vote the loan ticket?—A. I do not know that such was the case.

Q. What tickets did you print in reference to the Piedmont Railroad?—A. They were against the subscription to the railroad. There were three offices engaged that night in printing tickets.

Q. What colored paper were those tickets on?—A. Bright yellow, I believe. Those for the special improvements were on white paper.

Q. On what colored paper were the tickets "against the loan" printed?—A. I do not know; I did not see them.

Q. Who employed you to print these counterfeit democratic tickets, as you call them?—A. William Dixon, the democratic candidate for the legislative assembly in the twelfth district.

Q. Did he employ you to print tickets for candidates in other districts?—A. Yes; he got the paper and had some done for all the democratic candidates, for the general good.

Q. When did you print these?—A. On the morning of election-day.

Q. And these were all printed on the same colored paper that the tickets for the republican candidate were printed on?—A. Yes, sir.

Q. What are Dixon's politics?—A. Democratic, or conservative; he is against the party in power.

Q. Against the city government?—A. I cannot say that. He is against the party in power; that is, he stands with the opposition.

Q. And that you understand to be the republican party?—A. The party in power I understand to be the republican party.

By Mr. GREEN:

Q. What are his relations to the board of public works?—A. That I do not know.

By Mr. CREBS:

Q. Was he for or against the loan?—A. I do not know.

Q. How much did Messrs. Gibson pay you per thousand?—A. I did not print by the thousand. I did not set the type or furnish the paper. I merely charged for press-work and cutting.

Q. What proportion of the whole cost would that be?—A. I do not know, as there were alterations to be made, and as it was an extraordinary job. Eight hundred thousand tickets were done in about twenty hours, which is more than any one office could do, and Messrs. Gibson had to employ other offices.

Q. Give us your best impression as to the proportion of the price which you should have had?—A. What I did was worth about one-third of the whole cost.

By the CHAIRMAN:

Q. I suppose it made some difference in cost as to whether there were changes to be made?—A. Yes. I know there were alterations and delays which would affect the cost of the composition and of the general work.

WASHINGTON, D. C., February 28, 1872.

JOHN M. MORRIS sworn and examined.

By Mr. GREEN:

Question. State your residence and occupation.—Answer. 210 A street, southeast; editor.

Q. Are you one of the proprietors of the Washington Chronicle?—A. I am.

Q. Did you advertise for the District government?—A. We did.

Q. Have you the bills?—A. I have.

Q. Produce them.—A. I have here a full statement of the bills. They are not the identical bills in full. We had not time to have them copied.

Q. Are these the original bills, or are they the bills as they have been paid?—A. These are the bills as they were paid.

Q. Was the work done by contract?—A. There was no special contract made.

Q. Who ordered the printing to be done?—A. The proper officers of each department. That is a full statement of all the work done.

Q. Both for printing and advertising?—A. Yes, sir; for everything.

Q. What is the aggregate amount?—A. It is not footed up here. The advertising amounted to something over \$16,000, and the job-work to something about \$25,000, making a little over \$41,000. The exact amounts are stated in a schedule furnished by Mr. Chandler to the committee some days ago.

By Mr. CHIPMAN :

Q. Does that include the publication of the laws ?—A. Yes ; it includes everything that we have done since the new District government came into power.

By the CHAIRMAN :

Q. What does the job-work cover ?—A. It covers all the printing of blanks, &c., for the executive department and the board of public works, and all the printing for the legislature during both sessions. We did nearly the whole for both the council and house of delegates. It includes the registration lists and the laws which were published after the adjournment. It includes both the daily journal and the permanent journal.

By Mr. ROOSEVELT :

Q. State how much you received for advertising the loan ?—A. Six thousand eight hundred and ninety-three dollars and thirty-three cents.

Q. Have you any outstanding bills or claims against the city further than these accounts show ?—A. We have one or two small jobs which are not completed ; but they amount to very little. These accounts are up to the 31st of January, inclusive. I think they have all been paid. I gave the amount for advertising the loan as \$6,893 33, but that also included the advertising for the Piedmont Railroad. The advertising for both was measured together, and the bills were made up together.

By Mr. ELDRIDGE :

Q. Are your bills for the publication and the laws and journals separate items ?—A. They are not made up here in separate accounts, but they are separate, I think, in the statement given to the District government. The total of the printing for the council and house was \$13,622.

Q. Does that include the publication of the laws ?—A. No, sir ; the publication of the laws, in pamphlet form, was in the secretary's department, and amounted to \$525. That was done under special contract ; it was the only special contract we had. The charge was less than the cost of the printing. We made an arrangement with the secretary by which we should print a certain number for the District government, at that price, for the use of the several departments, and we were to have whatever we could make on the sale to the public.

Q. How many volumes were you to furnish to the city government ?—A. I think we furnished 500 copies for \$525.

Q. And that included all that you were to receive from the government for publishing the laws ?—A. All that we were to receive for publishing the laws in pamphlet form.

Q. Did they agree to take any further number than that ?—A. They did not. The legislature subsequently took 200 or 300 copies. That is included in the legislative expenses, and is in addition to the \$525. We gave the sale of these laws to W. H. & O. H. Morrison.

Q. Did any other department of the government order volumes of the laws ?—A. No, sir ; and, when we took the contract, we did not suppose that we would receive any orders whatever from any department.

Q. Are these two or three hundred volumes that you mentioned all that you have sold to any of the government officials ?—A. Yes, sir.

By Mr. ROOSEVELT :

Q. What was the difference in your rates where you printed by contract and where you printed without contract ?—A. I do not know what we should have charged if we had printed them without a contract. We printed no laws without a contract.

Q. You did other printing without a contract ?—A. Yes.

Q. What were your rates ?—A. We have what we call our full current rates, and when we make a bargain with a person we get as near those rates as we can. We never have charged the government anything above our regular current rates.

Q. Do you not charge so much a page ?—A. Pages are of different sizes. I suppose we have a hundred different varieties of job-printing.

Q. You say that the amount you received under this contract did not pay you ?—A. It did not. We expected to be compensated by sales to the public.

Q. What price would that work have come to if full rates had been charged ?—A. I should think it would have come to about \$3 50 a page. It was set with side-notes. I should say that, at full rates, it would have come to \$800 or \$900, or perhaps \$1,000.

Q. Then it would have cost nearly double ?—A. I should think so.

By Mr. ELDRIDGE :

Q. Is not that rather an extravagant sum for advertising in one newspaper in this little District ?—A. I do not think so.

By Mr. ROOSEVELT :

Q. What period do these accounts cover ?—A. The law required the insertion of advertisements for three months. The bills cover the time from the coming in of the new gov-

ernment up to the 31st of January, inclusive. They comprise everything we have ever done for the District government during that period.

By the CHAIRMAN:

Q. How do your rates for printing compare with the rates in Philadelphia and Baltimore and places corresponding in size with Washington?—A. Our rates for printing are considerably higher for this reason: In Philadelphia employers can get type set at 35 and 40 cents a thousand. We pay 60 cents. They pay 40 and 45 cents an hour for time-work, and we pay 50 and 60 cents for time-work. Our other expenses are considerably larger.

By Mr. ELDRIDGE:

Q. What makes that difference?—A. The Typographical Union and the Government Printing Office, which controls the Typographical Union and forces us up to these rates.

Q. Can you not employ workmen at any less rates?—A. No, sir.

Q. Is there any prohibition against it?—A. There is a law of the Typographical Union against it. We must either run a "rat" office or pay the Union rates.

Q. Does not the Typographical Union prevail in Philadelphia and Baltimore?—A. In Philadelphia it does not control prices. In Baltimore it does to a considerable extent; but the rates are less.

Q. How do your rates compare with Baltimore?—A. They are, I think, 15 per cent higher. The Typographical Union there puts lower rates on press-work and type-setting.

Q. Does the Union discriminate in different places?—A. It does.

Q. Why?—A. That is for its members to say. I do not know.

Q. Is it on account of the difference in the cost of living, or is it an arbitrary rule?—A. It appears to be an arbitrary rule, although the rates of living may influence them. The cost of living is higher here than in any other city that I know of in the United States.

Q. Are all the printers members of the Union?—A. Nearly all. It would be impossible for us to procure the necessary number to run the office outside of members of the Union.

Q. Do you employ any outside of the Union?—A. No, sir, not one.

Q. Are the proprietors of the Chronicle members of the Union?—A. No, sir; we are not permitted to be.

Q. What class of men are permitted to be?—A. Regular printers who are working at the trade as printers.

Q. They must be workmen?—A. Yes, sir.

Q. And not owners of presses?—A. No, sir.

Q. Is there any such thing as making the advertisements larger by leading them, so as to increase your prices?—A. I think that nearly all of these District advertisements were leaded. Leading increases their length.

Q. Was that done on purpose to increase prices?—A. No; it was for the benefit of the advertisement. We lead advertisements whenever we can.

Q. Was there any arrangement between you and the authorities to lead the advertisements?—A. There was not. We lead every advertisement that we can, which is not otherwise displayed, if space will permit.

Q. You do that merely to improve the appearance and not to increase the price?—A. It does increase the price, and, of course, we do it for that; but the same is true in regard to our reading matter. We lead wherever we can.

Q. Does the work cost you the same in proportion?—A. No, sir; it does not, in proportion to what we charge.

Q. Then you get more out of the leading?—A. We do.

By Mr. CHIPMAN:

Q. Does leading increase the value of the advertisement?—A. It does; it makes it more conspicuous, and more likely to be read. Some of our advertisers ask to have their advertisements leaded.

Q. Is there any difference in the way of leading that increases it still more?—A. No, sir; there is a uniform method of leading. We do it for every advertisement in the same way.

Q. You do not do it to get more pay?—A. No more with official than with all other advertisements.

Q. Do you lead all your advertisements without being ordered to do so?—A. Yes; all of a character similar to official advertising; except there is some other arrangement.

By Mr. ROOSEVELT:

Q. Did you set them up in ordinary advertising type?—A. Yes, sir; in nonpareil. They were set in the precise form that we set all advertisements when we can induce parties to have them set in that way.

By Mr. ELDRIDGE:

Q. Is there a uniform rate of advertising among the printers and publishers in Washington?—A. I think not.

Q. How are the prices regulated?—A. They are regulated by the publishers.

Q. One charging one price and another another price?—A. Yes, sir.

Q. According to his own arbitrary will?—A. Yes, and according to his estimate of what his columns are worth.

Q. How do your prices correspond with the prices of the Republican?—A. The Republican has generally charged a little more than we have.

Q. How do they compare with the Patriot?—A. The Patriot charges a little less. Their regular advertising rates are less than ours. The Star charges a little less, I believe. Some of the advertising of the Republican is the same as ours, and the rest is a little larger.

Q. Do you not consider that this amount paid for advertising for the city is an extravagant amount?—A. We did a large amount of advertising for it.

Q. Do you not think it a very extravagant sum for this city to incur to one newspaper?—A. I do not think so.

Q. Do you not think it was so when you come to consider that it was advertised in fifteen newspapers?—A. I think that the government more than got back all the expenses of advertising in the increased price that it got for its bonds. I think that the last election was a financial, not a political one, and that the unanimity of public opinion which the unanimity of the press produced enabled the governor of this District to make a sale of these bonds at a rate so much higher than he otherwise would, that the District has already been more than reimbursed for what it paid for advertising. I believe that advertising always pays.

Q. Have you seen the sum said to have been paid to all the newspapers?—A. I have.

* Q. Do you consider that an extravagant sum to be paid for advertising the matter that was advertised in these papers?—A. I think that the government got more than that back again. When a man makes money on what he does I should not regard it as extravagant.

Q. Then you think it a wise thing for the government of this District to publish advertisements in all these little newspapers?—A. I would not say that it was in all those newspapers, but it was a wise thing to publish them in the majority of the papers.

Q. In which of the papers do you think it was unwise to publish them?—A. I would not like to say.

Q. Were they published in the Citizen?—A. The Citizen perished before the election came.

Q. Why is it that the Patriot was paid so much less than your paper?—A. One reason is that the Patriot had the advertising only about half the time. It was not commenced in that paper until, I think, the time was fully half past. I am not absolutely certain as to the date. The organic act required publication for three months, and the Patriot had it, I believe, only about six weeks.

Q. Do you think that the advertising given to those papers did not have an influence on the course which they took in reference to city affairs?—A. I can speak only of my own case. It did not change my attitude, but I have no doubt that it increased my zeal. I always help my friends. I presume that I said very much more for the loan, and for the general good of the District, than I would have said if I had not received this advertising.

Q. Do you think that the general effect of advertising?—A. I think it ought to be.

Q. Is that the object of advertising generally, to operate on the editors of the papers?—A. It ought to do so, whether it is the object or not. Men ought to help those who help them in their regular line of business.

Q. You do not think that this advertising should have changed the opinion of an editor and made him in favor of the loan if it seemed to him unwise?—A. I think not; it certainly did not do so with me. I was an advocate of the loan before I received any of this advertising.

Q. Then what do you mean by saying that advertising should induce the editor of a newspaper to advocate the interests of the advertisers?—A. I think it should induce him to be more watchful of their interests, and to say what he can for them.

Q. Suppose his conscience was exactly the other way, should he speak against his conscience?—A. He should not, and I never have done so; but I have been stimulated. I presume that I said a great deal more for the loan than if I had not received advertising.

By Mr. GREEN :

Q. What arrangement did you have with the heads of the different bureaus in regard to what you were to be paid?—A. None at all.

Q. Is it not usual for officials charged with such duties to know the cost before they order printing or advertising?—A. I never knew an officer of the government, or of the corporation of Washington, who made any special contract for advertising.

Q. Do not private individuals, merchants, and others make agreements as to the cost?—A. They do.

Q. Why should not an officer be as careful of the interests of the government as of his own?—A. The public advertising is ordinarily on a different scale and in a different situation from what private advertising is.

Q. In what respect?—A. The advertising of the corporation is generally ordered by law; at a specified time, therefore, it must be put in. A man can advertise his private business or not advertise it, just as he pleases. Where an advertisement must go in to satisfy the law we can make our own terms.

Q. Are those rates ordinarily what you charge to individuals?—A. They are what we charge an individual if he makes no agreement. We have our published rates, and always

charge them when we can get them, and we are always ready to make a bargain for something lower if we cannot get them.

Q. Would not you take lower from the government for these advertisements?—A. It would depend upon the state of our advertising columns, the season of the year, and various circumstances. At some seasons of the year we might take them at a much lower rate.

Q. You say that when advertisements are ordered by law the public officer is in the power of the newspaper?—A. To a certain extent.

Q. But if the advertising is only ordered to be done in two or three of a large number of papers and the officer has the choice, how would it be then?—A. Then I suppose he could choose.

Q. What effect would that choice have upon the price?—A. I do not think it would have any effect in our office; I do not think it would change the rates in any of the principal newspapers of the District. I think there is such an understanding between them that they would insist upon their prices.

Q. Would you not have taken much less rather than lose the advertising?—A. I think I might have taken considerably less; but it must be borne in mind in speaking of the large advertising, that we do not take much less than on our highest rates. We did not charge our highest rates for it.

By Mr. ELDRIDGE:

Q. Was the price which you charged for this work the same which you would ordinarily charge an individual for the same class of work?—A. There were three or four different rates charged to the city government, depending something upon the length of time to be advertised, the size of the advertisement, and the season of the year. For all the small advertising we charged our highest rates, which is \$1 per square of six lines, nonpareil. For the advertisement of the loan our bill, at that rate, would have been over \$12,000. It was only \$6,833.

Q. Then you charged about half?—A. A little more than half of the highest rate; and we should not have gone very much below that rate for anybody, unless it had been a very slack time for advertising.

Q. Was not that advertising done in a slack time?—A. It was begun in a slack time, but it was a very crowded time before it was finished, so much so that we had serious difficulties, and had to omit advertising.

By Mr. CHIPMAN:

Q. This advertising was required to be from day to day?—A. I so understood it.

Q. You were not allowed to omit a day?—A. We were not.

Q. If you had to drop any advertising, then, what did you drop?—A. That which paid us the least, of course.

Q. You were not at liberty at any day to drop these advertisements?—A. No, sir; no matter what our pressure was.

By Mr. GREEN:

Q. Did the law require it to be published daily?—A. We so understood it.

Q. Was it not also published in weekly papers?—A. It was.

Q. Did you charge for publishing it in the weekly, too?—A. No; we did not publish it in the weekly. Its circulation is principally outside of the city.

By Mr. RIDDLE:

Q. Was there no understanding between the Chronicle, the Star, and the Republican about dividing the profits of the job-printing done for the government?—A. There was none.

Q. And there was no division made?—A. There was none.

Q. In any shape?—A. None in any way or shape whatever.

Q. Was there at any time any understanding between the Chronicle and any member of the legislature in reference to advertising or printing for the legislature?—A. There was nothing of the kind, except in a single instance.

Q. Have you any objection to stating to the committee what that instance was?—A. That was an instance in which there was a claim by a certain member of the legislature against the Chronicle, and which we disputed in part. He made a certain person his attorney, and the latter insisted that we should agree to the payment of that claim in full before the passage of the appropriation bill.

Q. Was it of this nature, that in consideration that a certain appropriation should be passed to pay a bill of the Chronicle, a certain sum of money was to be paid by yourself; and did they place in your hands a writing stipulating to that effect?—A. A writing was placed in my hands, binding me to pay a certain sum of money out of a certain appropriation.

Q. Have you that writing?—A. I have not.

Q. Is it destroyed?—A. I think it is not.

Q. Have you any objection to producing it?—A. No, sir.

Q. Do you recollect the amount of money that was to be paid?—A. Four thousand dollars. That amount of money I had received in cash from that member of the legislature at the time I purchased the Chronicle.

By Mr. CHIPMAN :

Q. As a share in the Chronicle?—A. He was to become a member of the Chronicle Publishing Company, but some little difficulty arose between us. I did not think he fulfilled his contract, and therefore I thought that in equity I ought not to return to him the whole amount that he paid. He thought that in equity I ought, and he took this means of securing the payment of the claim in full. I signed the writing, and paid the claim in full.

Q. Was he to support the appropriation bill?—A. That was understood, as a matter of course.

By Mr. RIDDLE :

Q. Was it not stated in the writing that the consideration for the payment was that this appropriation bill should be passed?—A. The writing stated that this sum should be paid out of a certain appropriation.

Q. Was there any understanding or stipulation that the appropriation was to be made?—A. The appropriation was simply in payment of our regular bills. There was no amount added to make up this sum and no change whatever made in the amount of any of our charges on account of this contract.

Q. Supposing that the appropriation bill had not passed, then did you feel under any obligation to pay this sum?—A. The writing which I signed stipulated that the amount named therein should be paid out of a certain appropriation, and it was paid with money which I received from that appropriation.

By Mr. CHIPMAN :

Q. Who was this man?—A. The party to whom I owed the money was Mr. Frederick A. Boswell. He did not make the negotiations in the matter himself.

Q. Did he make the negotiations through an attorney?—A. He made them through Madison Davis. Madison Davis stated that he was his attorney.

By Mr. GREEN :

Q. Is Madison Davis an attorney?—A. I do not know.

By Mr. CRANE :

Q. Did you not bring that writing to the legislature when that appropriation bill was before it, and, shaking it in the face of Mr. Davis, say to him, "You have to vote for this bill?"—A. I did not; I never shook the writing in the face of anybody.

Q. Did you not tell Mr. Moore on that occasion that they were the meanest set of men that ever got into a legislative body?—A. I do not know what I said; I know that I was pretty angry when the matter was first broached to me, and I may have said that.

By Mr. CREBS :

Q. Was Mr. Davis a member of the legislature?—A. He was a member of the house of delegates.

Q. Was Mr. Boswell a member of the same house?—A. Yes.

By Mr. CRANE :

Q. Did you not make an agreement with Mr. Hulse to pay him a certain amount of money, provided he would give you the printing of the house of delegates?—A. No, sir.

Q. Was any money ever paid to him by you directly or indirectly on that account?—A. No, sir; no money was ever paid by me to him, or to any other member, directly or indirectly, as you very well knew last summer when you made the statement in the Citizen.

Q. You have advertised for the water department, have you not?—A. I have.

Q. Some time ago, in reading certain conveyances to the committee, I think there was one from Mr. Shepherd to you of a house, and the intimation was made that something was improper in regard to the purchase and sale of that house. Do you desire to make any statement in reference to it?—A. I purchased a house of Mr. Shepherd, intending to live in it. I paid him the price he asked for it, \$7,000, and the house is, I think, well worth that amount. I gave him, as men of moderate means often do in this city, a deed of trust for the whole amount, and notes, secured by the deed, payable quarterly, covering the whole amount. These notes I have paid, so far as they have matured. That is a history of the entire transaction.

Q. How much has now been paid on the house?—A. Eight hundred dollars, with interest. The full amount was covered by the notes given.

By Mr. ROOSEVELT :

Q. Are you, or have you been, interested in any of the contracts with the city government?—A. I have never been interested in any street contract, or any other contract, and, so far as I know, no other man in the Chronicle has been.

By Mr. ELDRIDGE :

Q. Who are your partners in the ownership of the Chronicle?—A. All of the men who reside in Washington are men employed in the office. We have a kind of co-operative company.

Q. Is any one member of the board of public works interested in the Chronicle?—A. No member of the board of public works, no member of the District legislature, and no officer of the District has any interest in that company.

Q. Please state the names of the owners who reside in Washington.—A. Captain Ladd is the business manager; Mr. Faust is secretary of the company; Mr. Dorwart is collector, and Mr. Fox is the managing editor. It is a stock company, and these, with my own, are the names of all the stockholders residing in Washington.

By Mr. CREBS:

Q. You bought the Chronicle a short time ago?—A. A year ago in January.

Q. What price did you pay for it at the time you purchased it?

WITNESS. Is that necessary in this investigation?

Mr. CREBS. I ask the question for the purpose of getting some estimate of the value of the advertisements, by comparing them with the value of the paper.

WITNESS. I paid for it a good deal less than it is worth, and that is the reason why I do not care to state the price.

Mr. CHIPMAN. Does the value of the advertising depend upon the value of the material or good will of the paper?—A. I think not. If a person gets a good bargain or a bad one in any purchase, that makes no difference to those who are his customers.

By Mr. CHANDLER:

Q. What is your circulation in comparison with that of the other Washington papers?—

A. It is as large as any of the morning dailies. I think the Evening Star exceeds us in its circulation, and I think one or two of the Sunday papers may, perhaps. I am not certain about that.

By Mr. ELDRIDGE:

Q. Does not the value of an advertisement depend upon the circulation of the paper, to a considerable extent?—A. Yes; and upon the character of the circulation also.

Q. And that depends somewhat upon the good will, which goes to make up the circulation and character of the paper?—A. I think so.

Mr. CREBS. What is your circulation now?

WITNESS. I shall decline to answer that question, unless the committee decide that it is necessary for me to do so.

The CHAIRMAN stated that the circulation of a paper was, in his judgment, perhaps information that should come fairly before the committee, to enable them to determine the value of an advertisement as compared with that published in other papers.

WITNESS. I think I have given you information which will answer that purpose, and I beg pardon of the committee for declining to answer this question specifically. None of the papers of the city ever give their exact circulation; they are very careful in regard to that, for some reason, and therefore I should prefer, unless the others are willing also to give a sworn statement of their circulation, not to answer in regard to the Chronicle.

By Mr. ROOSEVELT:

Q. Can you give the circulation of the other papers?—A. I certainly should decline to do it if I knew, and I do not know exactly. There is no difficulty in ascertaining which are the prominent dailies.

Q. How can that be ascertained?—A. You can exercise your own judgment. The morning papers having the largest circulation in the city are the Chronicle and the Republican; the evening paper having the largest circulation, and, in fact, the only evening paper, is the Star; that has a larger circulation, probably, than any of the morning papers. Of the Sunday papers, I should not be able to state which has the largest. I should presume the Capital and Sunday Chronicle probably have as large a circulation, at any rate, as the morning dailies. That is the best of my judgment in the matter.

Q. Have any of the papers in which the advertisement for the loan was published a very small circulation?—A. I think one or two of them have.

Q. Please name these?—A. I think the advertisements, for instance, were published in the Times, which has a very small circulation.

Q. Whose paper is that?—A. Mr. Hughes's; it is circulated gratuitously.

By Mr. CREBS:

Q. Suppose the advertisements for these loans had been put in your paper only, do you not think that every person in the District would have known it as well as to have advertised it in the thirteen or fifteen different papers?—A. I cannot say that every person would have seen it in my paper. I think most persons would if it had been advertised only there. The organic act, however, requires these laws to be published in more papers than one.

By Mr. CHIPMAN:

Q. Do merchants and business men advertise in different papers at the same time?—A. They do; you will see the same advertisements in all the dailies and Sunday papers, in

many instances; others take their choice and do not advertise in them all; they do not consider it sufficient to advertise in one paper, as a rule.

By Mr. CREBS:

Q. Is there not a very great difference between public advertisements of an election and a loan, and private business; would not this public information naturally come to the knowledge of most persons without any advertisement at all?—A. It might to some extent, through the comments of the newspapers.

Q. Suppose a couple of papers in this District had published these advertisements, would not the information have reached every one who desired to see it—every one looking for the conditions of the loan, and the dates of the elections, in your judgment?—A. If the officers of the District had been considering the cheapest manner in which they could subserve the simple purpose of bringing the information before the people, it might have been cheaper to have advertised in only one or two papers; but, as I have already stated, I think the publication of the advertisement in a larger number of papers was very advantageous to the negotiation of the loan.

Q. It has been stated that the amount of the four-million loan already sold, is \$1,500,000; do you know whether the aggregate bills for advertising do not amount to over \$100,000?—A. They do not, nor to anywhere near that amount.

Q. Suppose the amount to be \$100,000; that would make 8 per cent. on the whole amount sold?—A. I do not think the amount expended in advertising the loan simply is more than \$40,000. A large portion of the aggregate amount of these bills has been expended in advertising the Piedmont Railroad, and in the advertisement of the various departments of the District government; but the entire amount paid for advertising and printing does not reach \$100,000.

Q. What does it reach?—A. I think the total bill for advertising both the loan, the interest on the loan, and the Piedmont Railroad, is in the neighborhood of \$60,000. For the two loan bills alone, I should say, at a rough estimate, the cost was \$40,000; it did not exceed that.

Q. That is about 4 per cent. for the amount already sold. Do you know the rate at which the loan has been negotiated in the market?—A. I do not remember the precise amount; it was about 90, in gold, I think.

Q. Do you think it would have been sold for as much as 4 per cent. less than that, if it had not been advertised?—A. I think it would have been sold for considerably less.

Mr. CHANDLER stated that the loan was negotiated to the First National Bank of New York, at a given sum, which was placed, through that bank, with the Seligmans in Germany. The contract with the bank was that they should take \$1,500,000, with the option of taking the whole amount at that price; and at that option they have availed themselves, and have elected to take the whole four millions as it is issued, and it is to be issued as required by the District government. The whole loan has been sold, therefore, and sold at about par in currency. The exact amount is stated in the report of the comptroller, which will be here from the printing office in a day or two. It is very near par in currency in the city of New York.

Mr. ROOSEVELT. What rate of interest do the bonds bear?

Mr. CHANDLER. Six per cent., in gold.

Mr. ROOSEVELT. Does the first loan bill allow 6 per cent., in gold?

Mr. CHANDLER. I think so. No bonds have been issued under the bill ratified by vote of the people. They had prepared to issue the bonds under the first bill, when they were enjoined. Simultaneously, the people decided by a vote that four millions might be issued, and the court also decided that the first bill was legal. They went on, therefore, to issue the bonds under the first bill.

Mr. ROOSEVELT. And there has been nothing said about negotiating the second loan?

Mr. CHANDLER. That question was raised, and there is a letter from the governor of the District on that subject, stating that only one loan is to be negotiated. The legislature also passed resolutions declaring that four millions only should be issued.

Mr. CHIPMAN stated that he was preparing a bill for Congress repealing the last loan bill.

Mr. GREEN remarked that the governor in his letter stated that the bonds had been sold at 94, and that two per cent. commission had been allowed for negotiating them. Mr. Green read from the act of the District legislature of the 19th of August, 1871, page 48, requiring the governor to direct the publication of these laws in not less than three newspapers, and for at least three months prior to the election.

Mr. CHANDLER remarked that the organic act required the publication of the laws in at least two newspapers, referring to section 14 of the act of Congress providing for a government for the District of Columbia.

By Mr. GREEN:

Q. Are you acquainted with Albert Grant?—A. I am.

Q. Do you reside in his neighborhood?—A. I do.

Q. Was he, at the time proceedings on the injunction were going on against the loan, engaged very extensively in building, so as to make his credit very important to him?—A. I believe he was engaged in building.

Q. Do you not know that he was engaged in building to a very large extent?—A. Yes, sir.

Q. Did he not construct a very extensive row of buildings on Capitol Hill?—A. Yes, sir.

Q. Do you not know that Governor Cooke and the other members of the board of public works, in their answer to the bill which was filed for an injunction, stated that the petitioners were all tax-payers in the District except Albert Grant?

The CHAIRMAN said that that was hardly a proper subject of investigation, unless the counsel could connect it with the matter referred to the committee.

Mr. GREEN said that, in the absence of Captain Grant, his name was used in the injunction, and happened to be used first. For that reason the gentlemen composing the board of public works found it necessary to assail his credit, in their answer to the injunction; that when Captain Grant returned, he prepared a letter vindicating his credit and showing that he had a large amount of property. That letter was put in type, and he (Mr. Green) proposed to show that, after having been put in type, Mr. Shepherd, Colonel Magruder, and others came down and required witness to take it out.

The committee decided that the counsel could ask the question whether that was done.

Q. Were you required by any members of the board of public works not to print the letter referred to after it was put in type?—A. I was not. I am not accustomed to be dictated to as to what I shall publish in the Chronicle.

Q. Did you not have that letter set up?—A. I did.

Q. Was it printed?—A. It was not.

Q. Why not?—A. I looked over the proof and thought that the letter was scurrilous, and that, if it should be published, it might involve a series of articles in answer to it on both sides, which I did not care to invite. I went over to the Union Club House, then less than a block distant, and found Mr. Shepherd and others, and asked them whether it was wise to print the letter. They replied that, in their judgment, it was not, and, as that coincided with my own judgment, I did not print it.

By Mr. HARMER:

Q. Would the publication of that letter have subjected you to a libel suit?—A. I do not recollect the letter sufficiently well to state whether there was anything libelous in it or not. It was written in an abusive strain. I did not appreciate the entire character of the letter until I saw it in type. I understand that Captain Grant has made a statement as to what I said to him. I never made any statement to him of the character which he is represented to have made.

By Mr. GREEN:

Q. A portion of the letter was correcting the allegation in the answer of the board of public works. Was not the balance of that letter a criticism upon the plan of improvements entered upon by the board?—A. I do not remember now. I remember this, that I thought it would lead to a reply and provoke further correspondence if printed, and I did not care to fill up my columns with that discussion. I consulted these gentlemen because they were my friends and interested in the matter, and I found their judgment was my judgment in regard to the propriety of printing this letter.

By Mr. CHANDLER:

Q. You have done nearly all the job-printing for the District?—A. Yes.

Q. Your office is the only one, connected with a newspaper, that has a job-printing office?—A. It was the only until the mid-summer. There is one other now.

Q. Have you charged, in any instance, the District of Columbia more than your ordinary regular rates?—A. Never in any instance more, and in some instances we have charged considerably less.

Q. Explain a little more fully the statement you made in regard to assigning these bills to Mr. Boswell. When you purchased the Chronicle, did Mr. Boswell advance a portion of the purchase money?—A. I received from him \$4,000 in cash.

Q. How long after you received it before you paid Mr. Boswell as you have stated?—A. I did not receive it all at once. I received it all, I think, during the month of January, 1871, and paid it on or about the last day of January, 1872. I do not remember the precise dates.

Q. For which, as I understand, Mr. Boswell was to have an interest in the paper?—A. Yes.

Q. And you did not repay him for nearly a year, so that you had the use of the money for that time. How much interest did you pay Mr. Boswell?—A. Nothing; I paid him \$4,000 without interest.

Q. You had a difference with him in regard to the terms under which he was to come into the paper?—A. We had a difference; he finally decided not to come in as a stockholder in the paper, and he never did own a share in the paper. I regarded myself as wronged in the matter, and was willing to submit it to arbitration, though there never was any considerable talk about it. I was unwilling to repay him the whole amount of \$4,000.

Q. What other convenient means of paying him had you at the time you assigned these bills?—A. No convenient means. I could have raised the money, but not conveniently.

Q. As I understand you, an appropriation was then pending in the legislature to pay

these bills, which had been lawfully ordered by the District authority, and about which there was no dispute?—A. There was no dispute about them at all.

Q. As soon as the bills were presented, after the appropriation had been made, they would all have been properly paid?—A. Yes, sir.

Q. And at that time Mr. Davis asked you to secure Mr. Boswell in the transaction?—A. Yes.

Q. And you thought it was improper on his part to ask you to give him the security at that time?—A. I did. I did not think that, in equity, I owed that amount of money, and I did not think that, in his position as a member of the legislature, he had a right to do what he did.

By Mr. RIDDLE:

Q. Were you given to understand that the appropriation would itself be defeated if you did not make this arrangement?—A. I was given distinctly to understand that the appropriation bill would be defeated if I did not agree to the arrangement. I did not agree to it until I had tried all honorable means in my power to secure the appropriation; but I became convinced that I could not secure the passage of the appropriation bill containing items providing for these bills, which were justly due the Chronicle, without signing that paper.

By Mr. CHANDLER:

Q. Did anybody, except Boswell and Davis, have anything to do with that arrangement?—A. No one else spoke to me about it.

Q. Did Governor Cooke, or Mr. Shepherd, or any other member of the board of public works have any part in inducing you to assign these bills?—A. No, sir. I talked with some of my friends, gave them a history of the matter, and asked them what they thought of it. They said they thought I could not get the bill through without acceding. That was the only thing said to me outside of the legislature.

By Mr. CRANE:

Q. Did you not make the arrangement with Mr. Boswell, when he came into the Chronicle office, that you were to advertise the tax-bills?—A. That was one consideration.

Q. Was not this money advanced upon that agreement?—A. His advancement of the money had nothing directly to do with that. Mr. Boswell came into the Chronicle with the understanding that we were to have the advertisement of the tax-sales.

Q. Did he decline to come into the paper?—A. Ultimately he did.

Q. Do you recollect telling me last spring that you would not have him there on any account?—A. I do not remember telling you so, but that is the fact.

Q. How large a percentage were you to pay him for giving you the tax-sales?—A. There was no agreement or suggestion of agreement in relation to that matter.

Q. What share did you have to pay Mr. Murtagh?—A. He had the tax-sales. I did not get the tax-sales. Mr. Murtagh never paid me anything; I am sure of that.

Q. I notice in this schedule that you have sent here that the first charge is dated the 19th of May; is that the first charge you made against the District government?—A. I do not think that is the first charge made there; if it is, it is probably explained by the fact that no bill was presented by us previous to that. The District had no money previous to that time. A large amount of work was done by us for the government prior to that date.

WASHINGTON, D. C., *February 28, 1872.*

WILLIAM J. MURTAGH sworn and examined.

By Mr. GREEN:

Question. State your occupation.—Answer. I am proprietor of the National Republican.

Q. Have you done any advertising or printing for the District government since last June?—A. I have.

Q. Have you been paid for it?—A. For a portion of it.

Q. Have you a statement of the bills rendered by you for the work done?—A. I have here an abstract which contains everything I have done for the District government; that which has been paid and that which has not been paid. It is a copy taken by my book-keeper from the books, and embraces everything which has been done from the beginning of the present government until the present time, or until December 1, 1871.

Q. What is the total of the bill?—A. The total amount is \$27,220.

Q. How much of that has been paid?—A. I think between \$13,000 and \$14,000. I am not familiar myself with the total of it; my book-keeper makes out my accounts.

Q. This abstract gives the amount of work done, the amounts of bills rendered, the amounts deducted, and the amounts received?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. What is that for?—A. It is for the advertising required by the various branches and offices of the District government.

Q. What amount is there for the publication of the laws?—A. Two thousand and forty-four dollars and fifty cents.

Q. What laws did you publish?—A. All the laws that were passed by the District legislature.

Q. And the rest is for promiscuous advertisements?—A. Yes; advertisements for all the bureaus. I do not know whether there is any job-work included in this abstract or not. I think there is not.

Q. Did you do any job-work for the District government?—A. A small amount, I think. About \$2,000 worth, and that is not included in this abstract. It has not been paid yet.

Q. That would make an aggregate of \$29,220?—A. Yes, sir.

Q. What do you include in the job-work? What was the work?—A. I really could not tell you the nature of it.

Q. Was it printing ballots?—A. No; one item I remember was a publication of a book in relation to the police court. It was an investigation into the management of the police court by the legislature.

Q. Do you know what is charged by Mr. Morris for general advertisements in his newspaper?—A. I do not. I heard him state the rates this morning.

Q. How do your rates compare with his?—A. Mine are a little higher than his; mine is \$1 a square, and my type is agate.

Q. Leaded?—A. No, sir, not leaded.

Q. How do the prices you have charged the District government compare with the prices you charge individuals?—A. They are the same I charge individuals unless they make a contract with me previously. My terms are \$1 a square.

Q. That is your asking price?—A. That is the price I get.

Q. How large is a square?—A. Four lines of agate. My newspaper is smaller than the Chronicle, and space is valuable to me.

Q. That is the price all advertisements in your paper are charged for?—A. Yes; the regular price.

Q. Are you not in the habit of taking very much less than that where you do a large amount of advertising, as you have done for the District government?—A. Not unless they make a special arrangement beforehand. If they come down and make a stipulation in advance, I generally allow 25 per cent. discount for all such jobs of advertising.

Q. Did you have any arrangement to do this advertising for the city before you commenced it?—A. Not the slightest.

Q. No member of the city government asked you what prices you charged, or proposed to make any bargain with you?—A. No, sir.

Q. Who first brought these advertisements to you or asked you to publish them?—A. They came to me through the regular channel. I could not tell you exactly how.

Q. It was done without any arrangement or understanding?—A. As to price it was.

Q. There was no understanding with you as to what course your paper would take in regard to the loan?—A. Not the slightest.

Q. It did not stimulate your zeal as it did Mr. Morris's?—A. I felt this way: I helped to bring this new government into power; I believed in it and I advocated it, because I believed in it, and whether I got one dollar or a hundred thousand dollars, would have made no difference whatever in my course.

Q. You were one of the gentlemen who advocated this new government, with the understanding that it was to be a no-party government?—A. I do not think I did.

Q. Did you not urge that the government you had previously was intolerable?—A. I am quite sure I did not.

Q. You were up at the Capitol urging the new bill?—A. I do not think I have spoken to a single member on the subject.

Q. Were you not up here with some gentlemen who did?—A. I came up one day with some gentlemen, but it was not with any special advocacy of this bill. What I did in the way of advocating the new bill was in my paper.

Q. You were originally favorable to the new government?—A. I was, and advocated it in my paper.

Q. You thought it would produce a better state of things here in the new District?—A. I did.

Q. You have not changed your opinion in that respect?—A. I have not.

Q. Your advertisements have not had anything to do with stimulating your opinions?—A. When the governor was patronizing my paper and treating me well, it may have stimulated me to write more on the subject than I otherwise would have done. It did not change my views or my desire to see the government succeed.

Q. When these bills have been presented by you has there been any demurrer by any officer of the government against the amount?—A. I do not remember. I did not collect the bills.

Q. Has any protest been made against your bills by any member of the government, charging that they were extravagant, or would bring them into contempt, or anything of that kind?—A. There was one instance, I think, in which the board of public works found that my rates were a little higher than those of the Chronicle. The auditor said the rates were higher, and that they could not pay me more than they were paying the Chronicle. I replied that I did not want to embarrass the government in any way, and that he might take off 25 per cent. from that bill, which he did.

Q. How long have you been residing in Washington?—A. Twenty-two years.

Q. You have been connected with the press since that time?—A. I started the Republican in 1860.

Q. Do you know what amounts have been paid by the city government for printing and advertising?—A. I have heard it variously stated. The enemies of the government make it much larger than it is, and I do not really know the exact amount.

Q. You know what it is for Mr. Morris's paper and what it is for yours. Do not you think these are very extravagant sums to be paid in less than a year for the printing and necessary advertisements for the government of this city?—A. I do not, for advertising in the principal papers here. I think we gave a full equivalent for what we got. I agree with Mr. Morris in regard to the bond business. I think that our advocacy of the loan had its consequent effect in the sale of the bonds, and that it amply repaid the government for all they paid for advertisements.

Q. Do you think it was necessary and important that this loan should have been put in all of the fifteen papers?—A. No, sir; all I can say is that I should not have put in it the whole fifteen papers; still I do not think the effect was bad.

Q. Effect in what direction?—A. The unanimity with which it was supported and advocated, I think, effected the negotiation of the bonds. The large majority in favor of the loan, in my judgment, enabled the governor to negotiate these bonds at a higher rate.

By Mr. GREEN:

Q. Do you mean to say that that majority was secured by advertising in the newspapers?—A. I do not know about the advertising. I think it was by advocacy through the columns of the newspapers.

By Mr. ELDRIDGE:

Q. What papers would you have left out in your advertisements?—A. I am in the profession, and it is a very delicate matter for me to say what I would have left out.

Q. What papers would you have considered it judicious to advertise in?—A. I do not like to answer that question. I do not like to make any discrimination between my associates.

By Mr. ROOSEVELT:

Q. In what type were these advertisements set up and published?—A. In agate.

Q. Leaded or solid?—A. The bulk of them were not leaded; there may have been some in individual cases.

Q. Have you a claim for advertising or printing in addition to what is contained in this abstract?—A. Nothing except what I have stated; and I do not think the amount is over \$2,000. I will have the account made out and furnished to the committee.

By Mr. CRANE:

Q. Who are the stockholders of the Republican?—A. Nobody but myself.

Q. Who is the managing editor of your paper?—A. I am the managing editor.

Q. Who is the local editor?—A. There is no local editor.

Q. What position does Arthur Shepherd occupy on your paper?—A. He has general charge. He superintends, and determines what shall go in and what it is necessary to leave out when the columns are crowded. He directs the local department; some would call his position that of managing editor. He is the managing editor so far as giving general direction, but does not control the paper politically or otherwise.

Q. Have you any interest in any contract with the board of public works?—A. Not at all.

Q. Do you belong to a paving company?—A. I think I have \$2,500 of Metropolis Paving stock that I bought a year ago or more.

Q. You are president of the police board?—A. Yes.

Q. Do you know any other member of that board who owns stock in the Metropolis Paving Company?—A. I do not.

Q. Are you not one of the incorporators of the Portland Stone Company?—A. I am.

Q. Has not every member of the police board stock in that company?—A. No. It has nothing to do with the board of police, nor have I anything to do with paving contracts. I am a newspaper man. I do not mix up with contracts, and no member of the board of police does to my knowledge.

Q. Do you allow the detectives under you to take corporation contracts?—A. No, sir; I am opposed to it.

Q. Have none of them any interest in any such contract?—A. I understood that one of them had; he would not have had if I had known it.

Q. Will you give his name?—A. I do not know the fact, and I would rather not name him.

Q. Was it not your duty, when you heard this report, to ascertain whether there was any truth in it or not?—A. I did make some inquiry about it, and expressed my strong opposition to anything of that sort.

Q. Did you not know that he has been devoting almost his entire time to that contract for the last five months, and has he not received his pay regularly from the police board?—A. I do not know.

Q. Has he not been engaged as a contractor on E street, H street, and two other streets?—A. I do not know.

By Mr. ELDRIDGE :

Q. Is this company, of which you are a member, doing any work on the pavements in this city?—A. Since I have been connected with it I do not think it has done one dollar's worth of work.

Q. Has it any contract under the board of public works?—A. I do not think it has. I do not know.

Q. Who is the president of that company?—A. I cannot tell. I have paid so little attention to it that I know scarcely anything about the company.

Q. Do you know any of the officers of the company?—A. I really cannot name any of them now.

Q. Has this Metropolis Paving Company any contracts with the city government?—A. I do not think it has. I think Mr. Clephane is secretary of that company, and I am under the impression that they have not any contracts for paving; I have never asked any questions about it. The stock has practically passed out of my hands long ago.

Q. Do you know whether the Portland Stone Company has any contracts with the city government?—A. I do not. I think not.

Q. Where is this company doing business?—A. I do not think they have any special office.

Q. Where is it intending to operate?—A. Positively I cannot tell.

By Mr. RIDDLE :

Q. Does not this company, of which Mr. Clephane is secretary, have nearly all the paving work in this city?—A. I do not know that. About a year ago the little stock I had I hypothecated, and I do not know anything about it. I was never in the office and know nothing about the affairs of the company.

By Mr. CRANE :

Q. What per cent. did you pay Mr. Boswell to get this advertising?

(Question objected to by Mr. Chandler, as being offensive in its form, and objection sustained by the committee.)

WASHINGTON, February 28, 1872.

CROSBY S. NOYES sworn and examined.

By Mr. GREEN :

Question. State your residence and occupation.—Answer. I am an editor; I live at No. 803 G street, southwest.

Q. What paper are you connected with?—A. The Evening Star.

Q. Are you simply the editor, or have you control of the business of the paper?—A. There is a president of the Star Company, who has the general management of the business.

Q. Has the Star Company done any printing for the District government since it came into existence up to the present time?—A. It has.

Q. Can you furnish a full statement of it?—A. It is all embraced in the transcript I have before me.

Q. Is this the amount paid, or the amount charged?—A. It is the amount charged and paid.

Q. These items embrace all the amount of work done?—A. They do.

Q. What is the total amount?—A. Nine thousand five hundred and ninety-nine dollars.

Q. And you have no further claim beyond that amount?—A. I think not. This is up to the first of December. I think there has been no advertising since then. I think it includes the work done up to the first of January.

Q. Was there no deduction made upon your bill?—A. No, sir; it was our lowest rates of advertising, and no reduction was made.

Q. Did you have any contracts or agreement with the heads of the different bureaus before you commenced advertising and printing as to the amount you were to be paid?—A. No special agreement; they were published as has been our course for years. We have always published official advertisements sent to us for publication at the same rates we charge our customers at the counter.

By Mr. CHANDLER :

Q. The Star has the largest daily circulation of any daily paper in the city?—A. I believe there is no question as to that.

Q. Has the advertising given to the Star had any influence upon the editorial columns of the paper?—A. None whatever; we were in favor of the new government from the start; it did not influence us at all.

By Mr. GREEN :

Q. Please state the names of the stockholders of the Star Company?—A. George W. Adams, S. H. Kauffman, A. R. Shepherd, and myself. It is a stock company, incorporated by Congress.

Q. What proportion of the stock does Mr. Shepherd own?—A. He owns one-fourth.

Q. You never make any important move without consulting him?—A. Our course is with-

out regard to him in any manner whatever; we scarcely see him once a month. We would be glad to see him there a little oftener; he is treasurer of the company, and sometimes it is inconvenient not to have his signature in the transaction of business.

By Mr. CRANE:

Q. Do you not recollect telling me last year, two or three weeks before he returned from New Orleans, that you would have to await his return before the course of the paper was decided in regard to the Emery matter?—A. No, sir, that is not the fact.

Q. Do you not recollect having several interviews with me on that subject?—A. I do not recollect any particular interview; I know you were in there.

Q. Did you not state to me you could not decide that till Mr. Shepherd's return?—A. I certainly did not.

By Mr. ROOSEVELT:

Q. Had you no claim for printing beyond your advertisements?—A. No, sir, none at all.

Q. What are your rates?—A. One dollar per square, or four lines of agate.

Q. Were these advertisements set up in agate?—A. Yes; set in agate and all set solid with perhaps the exception of an occasional official notice which was leaded. That is all set forth in the statement I have presented; the bulk of our advertisements are set solid.

Q. Has this claim been paid in full?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. You stated that these were your lowest advertising rates; what are your highest?—A. I meant they are our regular advertising rates. We have one fixed schedule of prices.

Q. Then what you said about being the lowest is simply saying that it is all one price?—A. Yes; we do not charge any extra prices or attempt to fill up the amount by counting more.

Q. Were your bills disputed by any officer who had work done?—A. No, sir; I think our bills were the lowest in each case.

Q. In what manner do you return them; do you present sworn bills?—A. I suppose so; I am not familiar with that branch of the business; the cashier and the book-keeper could give you that information.

By Mr. CHANDLER:

Q. Was there ever a time when a printers' square indicated the same number of inches up and down as it did across the page?—A. I think not, not within my recollection. I am not a practical printer and cannot say.

Q. Do you know how a square was cut down to four lines?—A. I do not know; I suppose each establishment makes its own regulations; the name may have originated in the idea of making the space as broad as it was long.

By Mr. GREEN:

Q. Does not the statement you have presented foot up a larger amount than you have stated?—A. There is an account here for work done under the old corporation that has been put into this bill, and it states exactly what it is. The amount I stated was the amount of work done by us for the new government.

By Mr. ELDRIDGE:

Q. How do the rates that you have charged the present city government compare with those you charged previously?—A. Most of this advertising was done under our old rates. Prior to the 1st of October our rates were 75 cents per square and we raised them from that price to one dollar.

Q. Why was that done?—A. It was because our advertising had increased so that some days we only had three or four columns of reading matter. We have raised the rates some three or four times since I became connected with the paper in 1855.

Q. Did the other publishers raise their rates at the same time?—A. I think not.

By the CHAIRMAN:

Q. Are these rates the same you charge the National Government for advertising?—A. Yes; we make no distinction, and we charge the same we charge our private customers.

By Mr. CRANE:

Q. Do you not make a discount of 25 per cent. to private customers who have large bills?—A. Only to one class of customers; it has been our course for years to make a reduction to auctioneers. We do not charge them the full rates which our other customers pay.

Q. Is there any auctioneer whose advertising is as valuable to a newspaper as this has been?—A. O, yes; we have had very heavy auction advertising. All these advertisements we have published for this District government would be a mere flea-bite in comparison with what we do for the auctioneers alone. In fact this is one of our most profitable class of advertisers. At the time we raised our rates, there was a class of advertisements which we had to throw out in consequence of these long official advertisements.

The following communication was subsequently received from this witness :

OFFICE OF THE EVENING STAR,
Washington, March 1, 1872.

DEAR SIR: I find that our book-keeper, in making out the schedule of our advertising accounts with the District government, presented by me to your committee on Wednesday, inadvertently omitted the following items, intended to be inserted in the schedule:

Fire commissioners	\$18 00
Water registrar	42 50
Trustees public schools	180 62
City tax collector	178 00
Board of health	97 63
Board of public works	601 08
	1,117 83

As the Star Company is anxious that their exhibit of their transactions with the District government should be accurate and complete, I would respectfully ask that these items may be inserted in the schedule presented, making the entire amount of our advertising for the District government to be \$10,717 39.

Very respectfully,

CROSBY S. NOYES,
Editor Evening Star.

Hon. H. H. STARKWEATHER, *Chairman District Committee.*

WASHINGTON, D. C., February 28, 1872.

I. N. BURRITT sworn and examined.

By Mr. GREEN:

Question. State your residence and occupation.—Answer. I live No. 725 Fifteenth street. I am editor and proprietor of the Sunday Herald.

Q. Have you printed advertisements for the District government?—A. Yes, sir.

Q. Have you done any job-printing for them?—A. No, sir.

Q. Have you a statement of the amount you have done?—A. I have a transcript from our books, showing the amount we have done, which reaches an aggregate of \$4,244. That is the total amount which has been paid; there remains yet to be paid \$248 45, making a total for the amount of work done of \$4,492 45.

By Mr. CRANE:

Q. Has A. R. Shepherd any interest in the Sunday Herald?—A. No, sir.

Q. Did he have a short time ago?—A. He never had to my knowledge.

Q. Did not the amount of his brother's interest remain after he left, and was it not Alexander's money?—A. No, sir; I gave my own notes and securities for Arthur Shepherd's interest.

Q. Do you recollect, after publishing an article written by me last January, stating that you were considerably frightened because Mr. Shepherd would be offended, and did you not state that Arthur Shepherd's interest was in Alexander?—A. No, sir; I presume I stated that the article was a scurrilous one. I did not state that I was afraid of Mr. Shepherd. I did not think it was an article that should have been published, and it should not have been, if I had seen it before it had been published.

Q. You have not told me since that time that it was a capital article?—A. I may have told you it was well written.

Q. Would you have said to me that it was a scurrilous article, while I was water register of the city?—A. I, perhaps, should not have used that phrase.

By Mr. CHANDLER:

Q. Are you the sole proprietor of the Sunday Herald?—A. I am.

Q. What rates did you charge the District government for the work you have done?—A. One dollar for six lines.

Q. Your square is six lines?—A. Yes, sir.

Q. Is that your regular rate?—A. That is our regular rate.

By Mr. ELDRIDGE:

Q. What is the size of a regular democratic square?—A. That generally depends upon the circulation and value of the paper.

Q. What do you generally regulate your squares by?—A. By our own arbitrary will, and I may as well say that almost all the newspapers are getting to charge by the line instead of by the square.

Q. How do the prices you charge the District government correspond with the prices you charge private individuals?—A. It is exactly the same, except that we have in some cases charged private individuals more than these rates, with the condition that they should occupy certain positions in the paper.

Q. What is the price for such advertising?—A. Twenty-five cents a line.

By Mr. GREEN:

Q. Did you have any contract or agreement before doing this advertising as to what rate should be paid? What consultations did you have in regard to it? What orders were given to you by the different bureaus for whom this advertising was done?—A. None at all, except to print the advertisements.

Q. How were the advertisements sent to you?—A. In various ways; sent directly from the office; ordered to be cut from other papers, and in various ways.

Q. Did you have any previous understanding with any member of the city government or other officer with regard to them?—A. No, sir.

Q. They were merely sent to you to be published?—A. That is all.

Q. Would you have done it for less by contract?—A. No, sir.

Q. Would you not have taken a less price rather than lose the advertising?—A. We might, with certain limitations and restrictions. We will take an advertisement by the year, with the privilege of leaving it out when crowded, at a much less rate than we would to be published in every number.

By Mr. CHIPMAN:

Q. Were your opinions influenced by that advertising?—A. No, sir; they were formed and expressed long before I received the advertising.

Q. To what extent were you subsidized by advertisements?—A. Not at all, if I know myself.

By Mr. ELDRIDGE:

Q. You were an advocate of the new city government before you did any advertising for it?—A. Yes, sir.

Q. You were one of the deluded people who supposed it was to be a no-party government?—A. We tried to make it a no-party government; I think that it ought to be.

Q. You thought it would relieve you from this oppressive negro government?—A. We hoped so.

Q. Do you know that that was the case with a good many republicans?—A. I have a very strong impression to that effect.

By the CHAIRMAN:

Q. As a matter of fact, are there not some democrats in the different bureaus and offices?—A. I do not know that anybody could possibly know less in regard to this matter than I do.

Q. You do not claim that the new government is any worse or more oppressive than the old one?—A. No, sir; I do not think it is.

WASHINGTON, D. C., *February 28, 1872.*

JOHN GIBSON, sworn and examined:

By Mr. GREEN:

Question. State your occupation?—Answer. I am a printer.

Q. Did you print the tickets for the last election?—A. Yes, sir.

Q. Who did you print them for?—A. Wm. A. Cook gave me the order.

Q. Who paid for the work?—A. The District government.

Q. Mr. Cook then acted for the District government? What relation has he to the District government?—A. He is the attorney.

Q. What did these tickets cost?—A. One thousand one hundred and nineteen dollars and twenty-five cents.

Q. How many did you print altogether?—A. The number we printed altogether was 800,000.

Q. Did you print tickets for and against the loan?—A. We did.

Q. Did you print tickets for and against the Piedmont Railroad?—A. We did.

Q. Did the District government pay you for all of them?—A. For all of those tickets. We have another bill rendered some time since to Mr. Cook and Mr. Gideon for delegates' tickets. Mr. Cook said he and Mr. Gideon would be responsible for printing them.

Q. Why was there that difference between the tickets for the delegates and the other tickets?—A. That is more than I can answer.

Q. Why should the District government pay for these tickets and not for the delegates' tickets?—A. That was none of my business. All I had to do was to print the tickets.

Q. Did you not know the reason from Mr. Cook or anybody else connected with the government?—A. No, sir. I asked Mr. Cook who would pay for the tickets when he gave me the order, as I had been printing tickets several years for the republican party, and sometimes had trouble in getting our money. We therefore asked Mr. Cook who would be responsible. He said the District government would pay for the tickets for and against the loan and for and against the Piedmont Railroad; he and Mr. Gideon were the committee to attend to the delegates' tickets.

Q. Did you not know that it was generally understood by the citizens that the government was to have these tickets printed and distributed by them for and against the loan?—A. No, sir, I did not know anything about it; it was not my business to know.

By Mr. CRANE:

Q. At what time did you finish printing the tickets?—A. We were printing, I suppose, up to 1 o'clock in the afternoon of the day of the election.

Q. What tickets did you print last?—A. The tickets we printed last were for the loan.

Q. Did you print an equal number for and against the loan?—A. The original order was for 110,000 each, for and against. Mr. Cook asked me how many I thought would be enough. I told him we usually printed about five or six for each voter; that is, if there were 20,000 registered, we would print 100,000 or 110,000 tickets, and the opposite party would have the same number printed. Before now tickets have been taken away and distributed by the opposite party, for the purpose of preventing them from polling their full vote.

Q. Did you print tickets for and against the loan on the day of the election?—A. No; those against the loan were all printed the night before; we had our own press, and one or two other offices helping us.

Q. Why is it that your bill for printing delegates' tickets has not been paid?—A. I suppose it is because we have not collected it.

Q. Is it understood that you got enough pay from the District, and that they are not to pay you for these?—A. That is more than I know.

Q. Do you not think that is it?—A. No, sir.

By Mr. CHANDLER:

Q. How much does your bill for the delegates' tickets amount to?—A. I am not sure; I think it is something over \$200.

Q. You have not released it in any way?—A. No, sir; Mr. Cook has the bill of it.

By Mr. CREBS:

Q. Do you know what these tickets amounted to a thousand?—A. I think something like \$1 40 a thousand.

WASHINGTON, D. C., March 2, 1872.

THOMAS B. FLORENCE sworn and examined.

By Mr. GREEN:

Question. State your occupation.—Answer. I am the editor of a paper called the Sunday Morning Gazette—a moral newspaper.

Q. Have you done any printing or advertising for the District government or board of public works since they came into existence?—A. Yes.

Q. State the total amount of the work done by you.—A. The total amount in money is \$4,354 45, of which \$2,057 25 has been paid; that covers all the work done by us down to the present time.

Q. Were any bills presented by you disputed by any one?—A. No. The reason why the full amount has not been paid is that I neglected to send the bills in. I wish I had sent them; they would have been paid, and the office wants it, I may remark.

Q. Did you advertise both the loan and the Piedmont Railroad?—A. Yes; we advertised everything and a little more than some of the other newspapers did, because I looked a little sharply after it.

Q. Did you advertise the second registration before the late election?—A. We did.

By Mr. CRANE:

Q. Did you publish a supplement to your Sunday newspapers containing the advertisement of these laws?—A. Yes, sir.

Q. Was that set up in your office?—A. No, it was not.

Q. Will you state where you obtained it?—A. Is that important? That is a matter of my own private business.

By Mr. CHANDLER:

Q. What were the rates charged for this advertising?—A. The usual rates.

Q. Did it influence your own editorial course with reference to the District government?—A. Of course it did not in any way.

Q. You maintained your position as an independent journalist?—A. From conviction, as I do everything. My opinions are not influenced in that way.

Q. What is the political position of your paper?—A. Independent, with a slight leaning. It looks very liberally upon anything that is democratic.

By Mr. ELDRIDGE:

Q. You are a democrat yourself?—A. Rather that way; suspected very strongly and more and more confirmed as I grow older in my conviction.

By Mr. CHIPMAN :

Q. Was your paper in any way subsidized by this patronage?—A. Of course not, you know that. I do not belong to the class of people who are subsidized. I speak out boldly and plainly and emphatically my sentiments. Before this new government began I was for improvements. I am for a comprehensive plan of improvements, from the conviction that it is proper and just. When I was a member of this House I represented such a constituency as no man ever had; I was then for improvements and voted a large sum of money for that purpose. I have great pride in this National Capitol. I do not believe that too much money could be judiciously expended to ornament it and make it a source of pride alike to the citizen, sojourner, and foreigner.

Q. Have you taken pains to inform yourself whether the improvements being carried on are judicious?—A. I have taken great pains to satisfy myself upon that subject. My friend here, Mr. Crane, knows that very thoroughly, because I have given him opportunities of communicating his own views through the columns of the Gazette, while I have taken the opportunity in the discharge of my editorial duty to criticise them very severely.

By Mr. CRANE :

Have you not repeatedly said to me most unequivocally that they were reckless and extravagant?—A. Never, never in the world, because I never thought so. I never entertained any except a favorable opinion of the system of improvements being carried out, and no gentlemen can come here and conscientiously say the contrary. I have jested with my friend Crane about the board of public works, and all that sort of thing, in a Pickwickian sense.

"A little nonsense now and then,
Is relished by the wisest men,"

somebody has written.

Mr. CRANE. I did not understand it as a jest.

WITNESS. Mr. Crane knows my views. I have been very willing to allow him to communicate his views through my paper and I regard it as exceedingly unkind, to say the least of it, in him to insinuate that I held any other views. Of course I never occupied any other position, and I repel with scorn and indignation any such insinuation. It might as well come to that.

WASHINGTON, D. C., March 2, 1872.

W. KOCH sworn an examined.

By Mr. GREEN :

Question. What is your occupation?—Answer. I am the publisher of a paper called the Columbia.

Q. Have you done some printing and advertising for the District government?—A. Some advertising, no printing.

Q. Can you tell the amount of your bill for the work done?—A. I cannot tell you the exact amount. I have received about \$3,000 for publishing all the laws and everything.

Q. Have you any other claim against the government?—A. There may be a few bills for advertising, not amounting to more than \$100 altogether. I have been paid up to within the last six weeks.

By Mr. CHIPMAN :

Q. Yours is a German paper? Were these advertisements printed in German?—A. Yes; and I had to have them all translated, which cost me a good deal.

Q. Does your paper reach a class of citizens who do not read English papers?—A. A good many, I believe.

By Mr. ELDRIDGE :

Q. Which political party does your paper advocate?—A. I have been supporting the Government since I have published the paper.

Q. Does your paper take part with either of the political parties of the country?—A. I have not meddled much with politics.

Q. Do you consider yours a republican paper?—A. At present, yes, sir.

WASHINGTON, March 2, 1872.

D. M. HACK sworn and examined.

By Mr. GREEN :

Question. State your occupation.—Answer. I am proprietor of the Critic.

Q. Has your paper done advertising or printing for the District government?—A. We have advertised for the District government and board of public works.

Q. Have you your account with you?—A. I have.

Q. State the total amount.—A. The total amount of our bill is \$3,412 86, of which we have received \$3,284 86. That is down to January 31; and there are one or two trifling matters of advertisements of proposals, I think.

Q. Is the amount not paid recognized as a debt by the District government?—A. Yes, sir. I presume the bills have not been rendered.

WASHINGTON, D. C., March 2, 1872.

DON PIATT sworn and examined.

By Mr. GREEN:

Question. State the name of the paper of which you are the editor in this city.—Answer. My paper is The Capital.

Q. Have you done any advertising or printing for the District government?—A. Yes, sir; we have done some advertising. I cannot give you the account, because that is a part of my paper I have nothing to do with. The amount, I believe, has been published and is correctly stated.

Q. Who has charge of the money concerns of the paper?—A. Dr. Howe, the publisher.

Q. Please ask him to send a full statement with an affidavit.—A. You have the statement already. Dr. Howe told me that the statement which has been published was a correct statement of the money paid to the Capital; I refer to the report attached to the statement of the governor. It amounted to something over \$2,000, I believe.

Q. Is the copy of the Sunday Capital now shown you your paper?—A. Yes, sir.

Q. You see an article there headed "Obstructionists in Congress;" do you know who wrote that article?—A. To the best recollection and belief on my part, I wrote it myself.

By Mr. CHANDLER:

Q. It represents your sentiments, does it not?—A. Yes, sir; it generally does.

Mr. GREEN proposed to read the article referred to in the issue of January 27, 1872.

The CHAIRMAN inquired the purpose of placing the article in evidence.

Mr. GREEN replied that the object was to show how some of the best and purest men in Congress are treated, because of their favoring an investigation into this board of public works.

The question of the admissibility of the article referred to was deferred for future decision, by the committee.

By Mr. CHIPMAN:

Q. Your name and the name of your wife are brought forward as grantees of some property conveyed by Mr. Shepherd; will you explain whether that was a gift, or whether it was purchased; and if the latter, the conditions of the purchase?—A. It was purchased by my wife of Mr. Shepherd out of her own property, and paid for by her at what was considered, at the time, the full value of the property, \$11,900.

Q. How have the improvements in that neighborhood affected that property, in your opinion?—A. I think it has benefited the property; indeed, I know it has. Since the improvement there has been made, my wife has been offered a thousand dollars for her bargain. During the last summer we had in view two pieces of property to select from; one owned by Captain Grant on Capitol Hill, and the other this piece of property of Mr. Shepherd's. At that time we rather inclined to the property offered by Captain Grant, as it was on the same terms, on account of the condition of the cellar of the house on F street, which was damp, and the water evidently stood in it in the wet season. They had dug quite a well in the hope of draining the property. Since the street has been improved by cutting it down, the cellar is entirely dry and the appearance of the property has been greatly enhanced in every so that I think any stranger visiting the city would regard F street as one of the most beautiful streets in the city.

Q. Have the advertisements given you influenced your paper in any manner in the position it has taken with regard to the city government?—A. Not at all. I began some four years ago to advocate, not here but in my letters to the Cincinnati Commercial, and to urge upon Congress the establishment of this plan of District government, with a difference in some of its features. I did not believe in any popular element at all. I believed in governing the city, as it ought to be, by a commission appointed by the President. It has been intimated that corrupt means have been used: if any have been used, in my opinion you will find it in the popular branch of the legislative assembly. My paper has been the sturdy advocate of this government from the first, until now. I have not only not been influenced by any advertising, but I was annoyed when I saw the advertisement there. I thought it would have an unhappy influence upon the paper. But we have never been influenced in any way. There has not been a cent of money, and there has not been any influence that anybody can suggest, used to affect the Capital in its course. It can to-morrow attack the government as bitterly as it pleases, if it sees cause, and it will, if it sees cause for it.

Q. Has any person applied to you at any time to change the course of your paper, in reference to its position towards the government?—A. No, sir; no one. Governor Cooke and Mr. Shepherd at one time remonstrated against what they called my unjust attacks on the administration and President, but so far as this District government was concerned, they have never attempted to influence me at all. Mr. Green stated, I believe, one day to the committee that my paper had been milder since that protest. If it has, I am not aware of it. I doubt very much whether he could show any change at all.

Q. You are not in the habit of drawing it mild in your paper, are you?—A. No, sir; it would be fatal to the paper if I were to do so.

By Mr. ELDRIDGE:

Q. Was any contract or bargain made by any one, acting for the District government, for the publication of these advertisements?—A. No. I think when the new government first started a person then acting for the business department of the Capital saw Governor Cooke, I think it was, who authorized him to copy into the Capital any official advertisements he might see in any of the other papers. That is all that ever passed. When these heavy advertisements came, Dr. Howe very naturally, with a publisher's concern, with this understanding before him, considered himself justified in publishing the advertisement in the Capital. When the bill was presented everybody about the government seemed disposed to shirk it. It was brought into the legislature and paid by an appropriation. That is the history of the matter so far as we are concerned.

Q. Was an appropriation made directly to you?—A. No; I think it was in a gross sum for all the papers. I looked upon it myself as something of an outrage from the beginning—the whole system of publishing and advertising.

Q. Did you assail this wholesale advertising in your paper?—A. Yes, sir.

Q. Do you remember what number of your paper that is in?—A. No, sir; I can find it and send it here.

WASHINGTON, D. C., March 2, 1872.

D. C. FORNEY duly sworn and examined:

By Mr. GREEN:

Question. Please state your name and occupation?—Answer. D. C. Forney, editor of the Sunday Morning Chronicle.

Q. Have you done any printing for the board of public works?—A. Yes, sir; I have done some.

Q. Have you your statement of the amounts?—A. Yes, sir; I have it here in tabular shape. The total amount paid is \$4,648 02.

Q. Does that embrace the whole?—A. Yes; up to January.

Q. Was there any deduction from that bill?—A. No, sir; not to my knowledge.

Q. State the amount still unpaid.—A. \$186 52.

Q. Is that to be added to the other amount?—A. Yes, sir.

By the CHAIRMAN:

Q. Will you state again the amount paid and unpaid?—A. The amount paid is \$4,648 02, and the amount unpaid is \$186 52.

Q. Up to what time does that bill run?—A. During the year 1871.

By Mr. GREEN:

Q. Have you any interests, direct or indirect, commission, or any participation whatever in the contract for paving Third street?—A. I have not now.

Q. Did you ever have?—A. Yes, sir; a little.

Q. State what it was.—A. I acted as trustee for the interest of Mr. Rheinart's wife.

Q. Does the contract appear in your name?—A. No, sir.

Q. In whose name?—A. In the name of his partner, I presume, Mr. Faetzt.

Q. Is he doing the work?—A. I do not know who is doing the work now.

By Mr. CRANE:

Q. Please state the occupation of Faetzt and Rheinart at the time that contract was awarded.—A. I don't recollect.

Q. Was not Faetzt receiving a salary at that time of some \$2,000?—A. I don't know.

Q. Will you state what you received?—A. I did not receive anything. It was entirely in the hands of Mr. Faetzt.

Q. To whom did he sell?—A. I don't know positively.

Q. Did you ever hear that Mr. Lindell purchased it?—A. I heard it, but I don't want to testify from hearsay.

By Mr. GREEN:

Q. Have you any interests in contracts?—A. No, sir; the records of the board of public works will show that.

By the CHAIRMAN :

Q. There is an allegation on the part of the memorialists that the members of the press here have been subsidised. State what your position was with reference to the improvements, and whether the effect of this advertising was to cause you to change your views in regard to the improvements here, and operations of the board of public works.—A. It certainly did not have that effect on me. Our line of public policy was to advocate improvements before the board of public works was created, and before the new government was created.

By Mr. CRANE :

Q. Didn't you have a much larger amount charged than this; which you cut down?—A. No, sir; not to my knowledge.

WASHINGTON, D. C., March 2, 1872.

LOUIS H. DOUGLAS duly sworn and examined.

By Mr. GREEN :

Question. Please state your name and occupation?—Answer. Louis H. Douglas. I am publisher of the New National Era, here.

Q. Have you done any advertising for the board of public works?—A. Yes, sir.

Q. Have you your accounts with you?—A. I have. (The copy was presented.)

Q. Please state the total.—A. Three thousand two hundred and sixty-two dollars and seventy-five cents.

Q. Does that embrace all?—A. Yes, sir; up to January 31.

Q. Was that your bill as originally made out, or was there a deduction made on the bill?—A. There was no deduction.

By the CHAIRMAN :

Q. Is this all the government paid?—A. Yes, sir.

Q. Have you done anything of any kind since the 31st day of January?—A. Not much. I don't know how much has been done since then. I made out what was called for under the subpoena.

By Mr. CHIPMAN :

Q. State whether that advertisement done in your paper any way affected the course of the paper?—A. Not at all. I have always advocated these District improvements both in my paper and as a member of the legislature.

WASHINGTON, D. C., March, 2, 1872.

J. G. BERRETT duly sworn and examined.

By Mr. GREEN :

Question. Please state your name and residence.—A. James G. Berrett; I reside at No. 1535 I street.

Q. Are you president of the Washington Club?—A. I am.

Q. Can you furnish the committee a list of the stockholders of that club?—A. I can, if the committee desire it, but I cannot imagine what that has to do with the board of public works.

[Mr. GREEN stated that he thought he could show there was a large leaven of contractors in the Washington Club.

Mr. BERRETT had not the slightest objection to furnish the names, but inasmuch as it was entirely a social club, and had no political significance whatever, he was unable to see the bearing of the question on the subject of the investigation, but at the same time, if the committee requested it, he would have no objection to furnish the list to the committee.

The committee being not entirely full, the question whether the witness should answer or not was postponed till a later period in the investigation.]

Q. Were you at any time connected with the Patriot newspaper?—A. I was the business manager of the paper.

Q. Will you state whether the paper did any printing or advertising, while you were connected with it, for the board of public works of the District government?—A. It did.

Q. Can you state when that commenced?—A. I cannot fix the exact date without referring to the papers. It was a month or six weeks, I think, before the last general election. I cannot state when that was exactly.

Q. Was the paper, previous to its having these advertisements, opposed to the District government, or to the scheme of general improvements on the part of the board of public

works?—A. The paper was in favor of general improvements, but it opposed that particular view as to the manner of improving. It favored a uniform and well-digested plan of improvements.

Q. But it was opposed to the plan submitted by the board of public works?—A. Yes, sir; because it contended that they had no plan, were working without a plan. That was the idea maintained by Mr. Harvey, who was then the editor of the paper.

By Mr. CRANE:

Q. Did it not denounce the work going on as "organized robbery" repeatedly?—A. Very strong terms were used; I can't state that.

Q. Have you any objection to state who was the largest stockholder in that paper?—A. Not the slightest, if the committee desire it.

Q. Who was the heaviest stockholder at the time the paper did that advertising?—A. Its largest stockholder was William M. Tweed, of New York.

Q. Didn't the Patriot cease its opposition to the board of public works immediately after receiving the advertisements of the four million loan?—A. No, sir; I don't think the paper ceased its opposition at all, except in the sense that when Mr. Harvey left, a few days after the advertisements were presented to the office, and during my absence in New York, the Patriot was without the weapons of war, but the sentiment of the paper continued the same.

Q. Was there a single editorial reflecting on the board of public works from the time Harvey left it till it changed hands?—A. Yes, sir; I wrote two or three articles myself; they were not in that strong and expressive language, because it is not my habit to write in that way, if I had the capacity to do it. I am not a practiced writer, and it was not part of my duty, and I had enough to occupy my time otherwise. I exercised no control over the editorial columns of the paper, except as an associate when my advice was asked.

Q. You have no connection with it now?—A. No; except as a stockholder.

By Mr. CHANDLER:

Q. When the paper was originally started, had the starting any reference to local or District matters?—A. No; it was to represent the sentiment of the democratic party of the country; gentlemen of the democratic party were invited to become stockholders, with a view of establishing a national paper; undoubtedly local questions would come up, but the primary object was to have some organ that would speak for the democracy.

Q. When Mr. Tweed was notified to come into it, it was with that idea?—A. It was, distinctly, and none other, and no other was suggested to any of the stockholders.

Q. Have the editors of the paper from time to time, so far as you know, expressed their actual sentiments at the time, both with reference to national and local questions, independent of any patronage that they have received from the District government?—A. I think so, entirely.

Q. You have no knowledge that the opinions expressed in the paper have been influenced by the District government?—A. Unquestionably they have not.

Q. It has approved or disapproved of the acts of the District government as it pleased?—A. It has generally disapproved; I am not aware of its approving.

By Mr. CRANE:

Q. Can you give any reason why the advertisements were withheld at first?—A. I cannot.

Q. Did you apply for the advertisement, or did it come to you?—A. It came to us when I was absent in New York; when I returned I found it there, much to my gratification, because we were not insensible to having good advertising patronage.

By Mr. GREEN:

Q. Do you know of any object except to have the Patriot give its influence for the government?—A. I could discover no reason for it; there was certainly none, so far as I know, which would affect in the slightest degree the independence of the gentlemen connected with the paper at the time.

By Mr. CRANE:

Q. Was not Mr. Harvey required to cease his opposition?—A. Not at all. Mr. Harvey left the paper at his own volition.

By Mr. CHANDLER:

Q. Was not the Patriot included as one of the papers to publish the proceedings of the legislature, on motion of Captain Moore, with a view to giving the papers of all parties the advertising?—A. I think it passed one branch.

By Mr. ELDRIDGE:

Q. Who were the managing editors of the paper, and who have been since the change in the city government?—A. General Jeffreys became the successor of Mr. Harvey.

Q. What time did Mr. Harvey leave?—A. About six weeks before the late election.

Q. Who have been the managing editors since the existence of the present government?—

A. Mr. Harvey and General Jeffreys, of course with a corps of writers who are not known as editors.

Q. Were there local editors?—A. Yes, sir; Mr. O. K. Harris, and one of the trustees, under the original organization of the association.

Q. Who wrote the articles in reference to the city government?—A. Under Mr. Harvey's administration they were written by Mr. Harvey.

Q. Was there at any time a change of sentiment in the editorial management of the paper, upon the subject of the city government and the board of public works and their improvements?—A. No; I think not. The position of the editors and myself was that we favored intelligent and well-advised improvements, after some plan had been determined upon by competent officers and engineers.

Q. Did the Patriot favor the new government that was established here?—A. No, sir.

Q. Did you yourself, as one of the persons connected with the paper, favor the change?—

A. I did not. I thought the change at the time unwise.

Q. Has that been your opinion since?—A. Well, sir, my opinion is that the old system gave the foundation for a plan which would have given us the best form of government that I have ever known here. I mean the charter of 1848, which left Washington, Georgetown, and the county, to each look after its respective interests. That was my individual opinion then, and is now.

Q. In view of the changes that have taken place on account of the abolition of slavery, and the giving of the right of suffrage to all the people here, what has been your opinion as to the establishment of the present District government?—A. I believe, as the result of my observations, that the interest of the people is best subserved when the government resides in the people. I think they may err, but they are as prompt to correct errors, quite as much so, as public officers.

Q. Your objection to the present government is that one branch of the legislature is appointed?—A. No, sir; I think the local governments were better, because the people had become accustomed to them. I think it is quite as much as one man can do to look after the interests of Washington. As the mayor of the city, under the charter of 1848, I had sufficient power to administer the office successfully.

Q. How long were you mayor?—A. Three years and some months.

Q. How long have you resided here?—A. Since the 11th of June, 1839.

Q. Is it your opinion that the present system of government here is desirable to be continued?—A. I do think so, for I think that to break it up would tend to retard and weaken the public confidence. While I would not have changed it, at this present juncture to go back would be damaging; it would affect the public credit and the public interest generally, and involve this Territory probably in innumerable litigations, resulting from unfinished contracts, &c. These are suggestions that occur to me as you put the question; I do not know that you care for them.

Q. Certainly; we are considering this subject, and you have had experience which we wish to avail ourselves of, you being an old citizen here, and an intelligent gentleman, we desire to have your opinion.—A. I think a change now would be unwise; I think it was unwise when made.

Q. What is your opinion of the plan of having one branch of the legislature appointed by the executive?—A. I am in favor of giving as much power to the people as they desire; I believe in universal suffrage.

Q. Would you have both branches of the legislature elective?—A. I would have them elective; I would have the people elect both branches, the higher as well as the lower. If the people are not to be trusted, the sooner we know it the better. Under the present system we must have a partisan legislature, whether appointed or elected by the President; it could not be more than partisan if elected.

Q. Have you seen the statement of the amount of money paid, or to be paid, by the city government for advertising during the time they have been in power?—A. Yes, sir.

Q. What is your opinion of the propriety of advertising in so many papers, or to so large an amount?—A. I think it was a mistake. I do not think it was necessary. I have no doubt these gentlemen realize this now, that it was not. I do not think it was necessary to advertise in all the papers in the District. A few papers would have reached all classes, and the end sought would have been attained at much less cost.

Q. Is it your opinion that the bonds of the city have sold at any higher price because of the extensive advertising?—A. I could not express an opinion upon that subject. Indeed, I have never thought of it in that connection.

Q. How long was this advertising continued in your paper?—A. I think six or seven weeks.

Q. Are you familiar with prices for advertising?—A. Yes, sir.

Q. Do you know the rates at which these advertisements were charged in the Patriot?—

A. I think it was a dollar a square for the first insertion, and some *pro rata* reduction after that.

Q. How did that charge correspond with the ordinary rates for such advertisement?—A. It was a very unusual advertisement by reason of its greater length. It is the only instance which the paper ever received one of that magnitude; and I think that upon consul-

tation with the clerk we came to an arbitrary conclusion, based upon the first insertion. The ordinary price of a dollar a square would have made a much larger charge; hence, looking to fairness in the matter, we agreed that we ought to have so much, and, accordingly, the entry was made on the book.

Q. Before that advertisement was inserted in the Patriot had you had any conference with any one of the board of public works, or city government, or had any one connected with the paper conferred as to the terms of publication?—A. No, sir; we had not. I found the first advertisement in the paper when I returned from New York, after a week's absence. It had been left with Mr. Harvey. I had some curiosity to know how it came to the office.

Q. Was this advertising commenced in your paper some time after it had been published in the Chronicle?—A. Yes, sir.

Q. During that time was any application made by any one for that advertisement?—A. I think, if it is competent to state what was told to me by a gentleman who had connection with the paper, I can explain the matter.

Q. Was it part of your consultation with your people in regard to that?—A. Not at all.

Q. You can answer the question, whether you know of any application.—A. I know there was no formal application. Mr. Harris, who was news editor, received the appointment as one of the school commissioners, and called at the office of the governor for the purpose of making known his acceptance of that office. In the course of some playful remarks, Mr. Harris jocosely said, "I see no reason why your advertisements, governor, should not appear in the Patriot; we reach a class of persons who do not derive the proper information in other papers." Following that conversation, I suppose, it came, because I inquired on my return, and that fact being told me, it accounted for the publication.

Q. Was there any condition attached to that, that you were to conduct your paper in a manner favorable to the board of public works?—A. Unquestionably not.

By Mr. GREEN :

Q. Do you know whether the bill of the Patriot was paid as it was presented at first, or whether there was a deduction made?—A. I do not; I left the office before the bill was presented.

By Mr. ELDRIDGE :

Q. Are you not connected with the Patriot now?—A. Only as a stockholder.

Q. Who is the editor now?—A. That is hard to tell. Colonel Philp is treasurer of the association, and is the ostensible head; and under his supervision, I suppose, it is edited.

By Mr. CRANE :

Q. You stated that you thought the old government the best, and yet, that you think that it would be bad policy to go back. Why?—A. We have embarked on a large system of improvements, and have negotiated loans, and have all the appliances and appointments of a government under way; and to go back now would be capricious, and have the effect to impair public confidence in our securities.

Q. Is it not always best to get the best you can?—A. I do not think anything so bad that you cannot find something worse.

Q. Did you have any conversation with Mr. Shepherd in regard to the policy of the paper at the time of the change?—A. I have answered that before.

Q. Was any proposition made to you?—A. No officer of the government would have dared to make any such proposition to me. That is my answer.

Q. I asked if you had any conversation with him.—A. I had no conversation with him.

By Mr. CREBS :

Q. What is your opinion in regard to the necessity of so many boards under the government as it is organized here? For instance, the board of public works. Is there a necessity for having a separate department, such as the board of public works, and a board of health; can they not be managed as well without so many?—A. You would be obliged to have officers of some kind, whether you call them boards or commissioners. I never could see the necessity for the board of health, as the result of my experience, at least one so comprehensive.

Q. What is the population of your District?—A. I think about 140,000, covering the two cities and the county.

Q. How many different organizations are there under the government?—A. I cannot enumerate them all; many officers are of course subordinate to particular heads of departments.

Q. In your judgment is it necessary that so many officers should be appointed to control so small a number of people?—A. I think not.

Q. In what departments of the government might these officers be cut off?—A. I should be very glad to give you an intelligent answer, but I hardly know how to express an intelligent opinion in view of the great change which has taken place since I had anything to do with public affairs. The population has almost doubled; and in view of these things, I would not consider myself competent to give an intelligent opinion on the general proposition.

Q. In your judgment is it as important that a city with a small number of citizens should

have all the appliances of government that are in any city of the Union?—A. You know this city was organized, under the charter of 1848, as a sort of miniature United States. I have no hesitation in expressing it as my opinion, since the change has been made, that the board of health is a burdensome expense upon the people. I say this with great respect for the men. They are all gentlemen, and, I have no doubt, skillful and learned in their professions.

Q. Take the board of public works; what is your opinion about that, including all the officers of the board of every kind and description. Do you think that number necessary?—

A. I have not the slightest idea of the number; and if I knew I should want to know the duties performed in these several offices. The board of health is a subject that strikes the eye at once; I know what that means.

Q. You have a general idea of the amount of work being carried on in the city. How many men would be necessary to oversee and attend to that?—A. I could not give any idea, because there is a large amount of work; I have no idea of the comprehensiveness of the plan. I have seen only a small portion of it.

Q. Have you seen the report made to the legislature as to the plan?—A. I casually observed it in the newspaper, but did not give it careful attention.

By Mr. CRANE:

Q. How do the expenses compare with those under the old form of government?—A. It is not a question that admits of comparison. The public-school system now costs twice as much as the whole revenue of the city under my administration. We collected \$300,000, and we expend twice as much for public schools.

Q. Do you recollect the amount appropriated for contingencies for your office when you were mayor?—A. Probably \$250.

By Mr. ELDRIDGE:

Q. Were the public schools free previous to this new government?—A. Yes, sir.

Q. Were they sufficient for the purposes of education in the District?—A. They were so esteemed; I heard no complaint.

Q. How are they now?—A. They are conducted upon a larger and grander scale now.

Q. Were there provisions for the education of the black children then?—A. No, sir.

Q. Now it includes all?—A. Yes, sir.

Q. What proportion do the negroes of the city bear to the white population?—A. That is given in the census; I cannot state accurately. There were between ten and eleven thousand registered colored voters.

Q. What would you substitute in place of the board of health?—A. I would substitute a single officer, and place at his disposal the police force of the city.

Q. You think that one man might be found competent to fill the position and perform all the duties required?—A. With the aid of the police and the street commissioners, he could do it. Perhaps he might require two or three assistants at a nominal salary. Under my administration I think the bills of mortality would compare with those of any period of Washington's history. I can say that we never had to mourn the loss of a member of Congress by death in Washington during my administration of more than three years.

By Mr. CREBS:

Q. How would the health of the city compare during your administration with it now?—A. Favorably.

By Mr. ELDRIDGE:

Q. You would have a commissioner of health instead of a board of health?—A. I would.

Q. Have you given any attention to this canal?—A. Not from any scientific point of view.

Q. Have you ever considered the question of drainage and keeping it open or of filling it up?—A. My plan was to keep it clean by means of the dredging-machine.

Q. Have you considered that subject recently, and if so, give your opinion as to the propriety of filling it up?—A. I am decidedly of the opinion that it should be kept open and clean by dredging until a better result can be shown to be attainable, from scientific investigation.

Q. Is that opinion from your own observation, or from the opinions of gentlemen in whom you have confidence?—A. It is the result of my own observation and my experience. The health of the city was never better than during my administration, and it was attributed to the fact that we kept the canal free from impediments.

Q. What is your opinion of arching and covering up Tiber Creek?—A. I think that, as a general thing, covered drains are the best, and must be resorted to in the cities. Water-courses on the surface are particularly apt to become a nuisance when passing through populous places.

Q. Is it your idea to keep the canal open for commercial purposes, or for the sake of health principally?—A. The one follows the other as a necessary consequence.

Q. Do you know how the work has been done upon that with reference to covering it, and with reference to sewerage?—A. No, sir; I have merely passed by, and have not observed it.

By Mr. WILLIAMS:

Q. Is it not customary in all cities where the population approximates that of this city to have a board of health?—A. Yes, sir. Perhaps I should explain that while we had a commissioner of health, we also had a board of health, composed of two physicians in each ward, who served without pay; and they declared what should be considered a nuisance, and it was for the commissioner to execute their instructions.

By Mr. CHANDLER:

Q. Will you be kind enough to state to the committee your views as to the future of this city—whether you think it is destined to become a large city, whether the population will continue to increase.—A. I have no doubt about that. I have always entertained that idea, and I am more impressed with it now than ever that it will grow in population and wealth.

Q. Do you think that Washington is destined to become a popular winter resort?—A. I think that it is to become a great winter watering-place. Water in such resorts is not the only advantage; it is one only of the incidents.

Q. Going back to the time when you were mayor, and considering the condition of the city then, and with reference to its future prospects, as they rest in your mind, are you or not of the opinion that there is a necessity for great and expensive improvements, substantially as they are being carried forward by the board of public works?—A. I think the prosperity of Washington depends upon the opening up of her thoroughfares, the facilities for education, the excellence of her streets, the decoration of the public squares, and all that goes to make up the poetry of a city.

Q. My precise point is, whether you think there is need of the adoption of a plan for the improvement of the city in these particulars, to be carried forward somewhat as proposed by the board of public works.—A. I am decidedly of the opinion that such improvements as will develop the material interests of the city, by making proper thoroughfares and other improvements that I have suggested, should be made.

Q. And you believe that necessity for them will justify the borrowing of money, and the creation of a bonded indebtedness?—A. I have no doubt about it. I have no hesitation in saying that this city can stand a debt of \$10,000,000, if judiciously expended, without increasing its taxation a penny, if the government is properly administered.

Q. Then the point you wish to guard would be that of economical and judicious expenditure?—A. Yes, sir.

Q. Then to that extent, I understand you, you would go on?—A. Undoubtedly.

Q. And the debt thus increased would not be too great?—A. Certainly not, to the extent of \$10,000,000.

Q. You have criticised the board of health and think there are too many officers; I would like to have you make such criticisms as to the plan of the board of public works, as you think are required.—A. Generally, the improvements which I have observed command my approbation; that is, the improvements. I know nothing of the internal system.

Q. Has this been an unusually severe winter for work on the streets, and have there been the usual opportunities for prosecuting improvements?—A. I have never known a winter, during my residence here of more than thirty years, which was so prejudicial to out-door labors as this.

Q. Had there been an ordinary winter here, might not the board of public works have reasonably expected to carry on much more work?—A. With such a winter as we had last year these works might have been carried on to a much greater extent.

Q. You have stated that you are in favor of giving the people larger power in the municipal affairs?—A. Yes, sir.

Q. Your opinion is that the upper board of the legislature should be elected by the people. Do you not consider that the District government here has peculiar relations with the National Government which make it advisable that the National Government should exercise some control over the municipal affairs?—A. I think the National Government should be represented in the administration of affairs here.

Q. Could the government here, if purely elective—that is, solely by the people—be depended upon to improve and develop this city, by the taxation of the people—to a sufficient extent to make this city what it ought to be, as the city of the national capital?—A. Judging from the results of the past two or three elections, I think not.

Q. Do you think the National Government should have some controlling influence in whatever government is established here?—A. Undoubtedly; and I think it should have, perhaps, a controlling influence.

Q. How could it be secured under your system? If you make the upper house elective, how could you secure to the National Government the control it requires?—A. By giving the governor the veto power.

Q. Then you don't object to that?—A. No, sir; on the contrary, I think that a wise provision.

Q. Were you a member of the committee for the relief of the Chicago sufferers?—A. Yes,

Q. Was the amount raised for that purpose without objection on the part of the people?—

A. I attended the meeting when it was agreed upon, and it was one of the most enthusiastic and unanimous that I ever remember. The meeting represented all classes of citizens.

Q. The bonds have not been issued, have they?—A. I think not; \$17,000 or \$18,000 were advanced by the citizens perhaps; to that extent the bonds had been negotiated.

By Mr. ELDRIDGE :

Q. How was the money advanced?—A. They individually got up and offered to place certain amounts to the credit of the relief committee. Some of them \$1,000 each.

Q. Were they to be reimbursed if the bonds were authorized?—A. Yes, sir; this was a subject in which the public mind was deeply interested.

Q. Did the private citizens contribute largely?—A. Yes, sir; in the neighborhood of \$30,000, I think.

Q. Have you observed the paving of the streets and the other works to a considerable extent that have been carried on in the city?—A. Yes, sir.

Q. What is your opinion of the paving of the streets and the parking of them as it has been done?—A. I am in favor of narrowing the roadways, and the question of parking is a matter of taste; it is necessarily involved if you narrow the roadway, or you must increase the side-walks.

Q. State whether it costs more to park the streets than to pave them.—A. I think it costs considerably less. The paving of the sidewalks costs about 90 cents per yard; the parking considerably less than that.

Q. Suppose you include the chains and iron posts around the parks?—A. I think even then it would be below the cost of paving.

(The question was then considered whether the witness should furnish the names of the members of the Washington Club; and it was decided that it was not proper to demand them.)

WASHINGTON, D. C., March 2, 1872.

JOHN D. MCGILL sworn and examined.

By Mr. GREEN :

Question. State your occupation.—Answer. I am editor of the Georgetown Courier.

Q. Please give the committee an account of the printing and advertising done by your paper for the District government.—A. I have it here, from the 11th of March last to date, amounting in the aggregate to \$2,655 75; it has all been paid except \$418 56.

By Mr. CHIPMAN :

Q. State whether the course of your paper has been influenced in any way by these advertisements.—A. Not in the least.

By Mr. ELDRIDGE :

Q. State if any member of the board of public works or city government called on you to advocate the new government or the four-million loan.—A. No, sir; my views were too well known with regard to these improvements.

Q. Is your paper the only one published in Georgetown?—A. The only one.

Q. Is it a democratic paper?—A. It is a democratic paper.

Q. You are suspected somewhat of being a democrat yourself?—A. I have that reputation.

By Mr. CRANE :

Q. In the supplement to your paper publishing these advertisements, is there not some eulogy of the President of the United States contained in it?—A. I am not aware of it; you understand, however, how these things occur in the best regulated newspaper offices.

WASHINGTON, D. C., March 2, 1872.

WILLIAM D. HUGHES sworn and examined.

By Mr. GREEN :

Question. Please give the name of your newspaper, and the amount of advertising you have done for the District government.—Answer. My paper is the Times. The total amount up to this time is \$1,532, which has been paid, all but \$75.

Q. Have you any further claim?—A. No further claim. There was some little irregularity in the settlement of the account, but I gave a receipt in full.

Q. What is the circulation of your paper?—A. The circulation is very large.

Q. What are the terms of subscription?—A. The paper is free, properly speaking.

By Mr. CHIPMAN :

Q. How is the paper supported ?—A. By industry and hard labor.

Q. In what way ?—A. By me.

Q. Do you receive pay for advertising ?—A. Certainly.

Q. That is the way in which it is supported ?—A. Certainly ; but that would not support it. Its matter is peculiar ; the circulation is larger than four or five of the other papers here. I will state that a person, calling himself Morris, has, I understand, sworn before this committee that my paper has the smallest circulation of any here. With your permission I will correct him there. I will state that he spoke either maliciously or ignorantly. At all events, I do not know how influenced, but he was guilty of corrupt perjury ; whether intentional or not I cannot tell. It is known to the people of this District that my paper is distributed by horse-power, horses carrying the papers through the city ; consequently, notwithstanding this man swears in the face of the citizens of Washington, who know the untruth of his statements, it is, as I state, a paper having the largest circulation in this community, and I repeat that he stands a perjurer in the face of this entire community.

Q. What are the terms of subscription which you publish at the head of your paper ?—

A. The statement is that "The times is supplied to subscribers at one cent per annum, payable at the end of the year ; single copies gratuitous."

By Mr. ELDRIDGE :

Q. Would you like to tell the committee what your circulation is ?—A. Certainly ; it varies. We have printed about 8,000 copies ; that is, sixteen reams to the issue.

Q. How frequently is it distributed ?—A. Weekly.

Q. Was it published weekly during the continuance of these advertisements ?—A. No. I broke my leg last winter ; some gentlemen laugh at the breaking of my leg, but they would not like to have theirs broken. I was laid up some four or five weeks, and during that time the paper came out only monthly.

Q. How long was that advertisement in your paper altogether ?—A. The loan was in three months.

Q. How often was the paper published while that was in ?—A. A portion of the time once a month, and the remainder of the time, about a period of six weeks, once a week.

Q. Did you make a contract with anybody in advance as to publishing it ?—A. No, sir.

Q. What are the terms upon which you publish advertisements ?—A. Twenty cents a line.

Q. Is that your ordinary price ?—A. I collect that from citizens almost uniformly ; that is the rate I was then charging grocery dealers, merchants, and others.

Q. Who made the arrangement with you to publish the advertisement ?—A. No person at all.

Q. How came it then to be published in your paper ?—A. I saw all the papers publishing these long advertisements ; I did not see from what authority they came ; I hesitated some time ; I saw them being published in several of the papers with not a tenth of my circulation, in some of them with not a twelfth of mine, and I said to myself, as my paper reaches so many people, I think the District government will very readily appreciate an advertisement published in it. I therefore copied some of the advertisements ; they were published honestly, and paid for readily. They were not set up as some of these papers set them up, with the type leaded so as to increase the space they cover.

Q. When you publish such advertisements as that do you not make some bargain in reference to them in advance ?—A. Certainly, as a rule, but this was a great public job, and I published the advertisement, believing I was better entitled to it than those who were publishing it, and the government very readily paid the bills.

Q. Was there no objection made to your bills when you presented them ?—A. Not much ; I think Secretary Stanton requested me to cut off some charge, which I did ; but I would to-morrow publish the same matter over again for the same price which I received.

Q. It paid pretty well then ?—A. It paid, as I have stated, \$1,532.

Q. That paid you pretty well for the work, did it not ?—A. I do not know that it paid me pretty well ; I saw one paper, called the Chronicle, which has received \$34,000 or \$36,000 for advertising and printing, and I saw in that paper these advertisements published leaded, for the purpose of extending them, and then being measured and charged against the District as if they were solid matter, for the purpose of increasing the amount of the bill.

Q. In the way you were paid for your advertisement by the line, it would not make any difference if they were leaded or not ?—A. We charge for solid matter, or for the space ; we do not lead our advertisements unless advertisers request it. The space for a line is the basis of our charge ; and if the advertisement is leaded, it makes a difference in price of about one-fifth, depending upon the size of the leads used. But these advertisements published in the Chronicle were manifestly leaded with the intention of defrauding the government.

Q. You did not lead yours ?—A. No, sir ; I did not.

Q. How do you charge for your advertisements when they are leaded ?—A. If an advertiser wishes his advertisement extended by contract, so that four lines will cover the space of twelve, we always do so, and charge for it as twelve lines ; but I would not do so in a public advertisement unless specially directed.

By the CHAIRMAN :

Q. With your large circulation do you think the District government got the full value of the advertisements you published?—A. If they got it from the others, they certainly got it from me.

Q. What is your opinion of the necessity of publishing these advertisements in so many papers?—A. I think if my paper had been published weekly all of the time, instead of monthly part of the time, that would of itself have been sufficient, for it reaches everybody.

By Mr. CHANDLER :

Q. Is your paper peculiar in this community in respect to its being circulated free?—A. It is peculiar to this extent, that it reaches everybody; there is not a paper of the same worth in the world, which is published free.

Q. I believe it has been tried in other cities, has it not?—A. It has been tried in other cities, but the papers have been worthless.

WASHINGTON, D. C., *March 2, 1872.*

JAMES A. MAGRUDER sworn and examined.

By Mr. GREEN :

Question. What position do you hold on the board of public works?—Answer. I am a member of the board, and am also treasurer of the board.

Q. Can you state what amount of funds you have on hand as treasurer of the board?—A. I have on hand to day very little; I cannot state exactly what the amount is, without reference to the books.

Q. Where do you keep your funds?—A. At the First National Bank, and at the National Metropolitan Bank.

Q. Can you tell me who drew up the forms of the contracts with the board of public works?—A. I think William A. Cook drew up the forms, which were afterward revised by Mr. Mullett.

Q. Were you one of the committee who went to New York for the purpose of looking into the operation of the government of that city?—A. No; I was not.

Q. Was not a committee sent on there for that purpose?—A. No, sir.

Q. Do you not know that some members of the board of public works went there for that purpose?—A. No, sir; I do not.

Q. Will you furnish the committee, at your earliest convenience, a statement of the amount of cash on hand as treasurer of the board of public works, the 1st of March?—A. I will.

By Mr. CRANE :

Q. Please state to the committee the amount of taxes you pay.—A. I do not know that it is any of your business; you can find out from the tax-books.

Q. I do not see from the tax-books that you pay anything.—A. If you will examine the tax-books you will ascertain that I do.

Q. I should like to have the question answered.—A. I do not know what the amount is.

Q. Do you pay any taxes in your own name?—A. Yes; I pay taxes in my own name.

By Mr. GREEN :

Q. Are you a bonded officer?—A. Yes, sir; I am.

Q. Your bond is given to whom?—A. My bond is given to the District of Columbia, to the amount of \$50,000.

Q. Have you any objection to state who are your bondsmen?—A. They are Henry M. Sweeney, Riley A. Shinn, and Alexander R. Shepherd.

By Mr. CRANE :

Q. Are you a bondsman for any contractor doing work for the corporation?—A. No, sir; nor for anybody else.

Q. Will you state under what law you appoint the officers for the board of public works?—A. Under the law of necessity.

Q. And fix their salaries under the same law?—A. Yes, sir.

Q. Is it a necessity for you to pay \$4,000 to Mr. Meeds, your auditor?—A. Yes, sir; and he earns it, every dollar of it. He works from 9 o'clock in the morning until 9 o'clock at night, and very often on Sunday. He is intelligent, industrious, and competent. We tried him three or four months before we fixed his salary.

Q. I ask if you ever stated, when applied to for a list of officers and their salaries, that you did not know what your own salary was to be?—A. Yes; I did, to you, I believe.

Q. Will you state what you meant by that?—A. I mean my salary as treasurer of the board of public works.

Q. Do you receive a salary as treasurer?—A. No, I have not; no amount has ever been fixed. I expect that to be done, and expect the legislative assembly to fix the salary, and I think they will see the necessity of it when they understand what I have to do.

Q. Does not the law fix your salary?—A. The government pays me \$2,500 a year as a member of the board of public works.

By Mr. CHANDLER:

Q. The governor gives an answer to the fourth interrogatory as to the authority under which the officers of the board of public works are appointed; look at his statement on page 169, and say whether that answer is correct as you understand it.—A. Yes; that is what I just stated—it is the law of necessity. I do not think there is any question about the right of the board to employ agents to carry on the work.

By Mr. ELDRIDGE:

Q. Have you ever served as a member of the board of public works under the old government?—A. No, sir; no such board was in existence under the old government.

Q. Or in any commission performing the same duties as are now discharged by the board of public works?—A. No; I have been connected with public improvements. I was a director of the Chesapeake and Ohio Canal Company for some years. I had partial charge of the fortifications around this city in the summer of 1861. I was in an engineer regiment for two years, and had charge of that regiment nearly all the time it was in service, the Fifteenth New York.

Q. Were you in any office of like duties to those discharged by the board of public works in Georgetown?—A. I was commissioner on some improvements there.

Q. Appointed or elected?—A. Appointed by the corporation, and I was a member of that corporation. I was a member of the board of aldermen.

Q. Were you a member of the levy court?—A. Yes, sir.

Q. What are its duties?—A. To take charge of all the improvements in the county. It had the same jurisdiction over the county that the corporation of Washington and Georgetown had over those two cities; it controlled the entire expenditure for improvement, and everything to be done in that portion of the District of Columbia outside of the corporation limits of the two cities.

Q. How long were you a member of the levy court?—A. Three years.

Q. In the report which has been made it is stated that there is a debt due the levy court; what does that mean?—A. The cities of Washington and Georgetown were required by acts of Congress to pay one-half the expenses of the roads leading into the two cities; the levy court made improvements and paid for them, and then called upon Washington and Georgetown for their part of the money; Georgetown generally paid its portion very promptly, but Washington did not, and there was a large debt when I left the levy court due from the city of Washington to the levy court, or, in other words, to the county.

Q. How did the levy court do the work so as to bring the city of Washington in debt to it?—A. The levy court made and kept in repair all the roads leading into Washington, such as that extending out Fourteenth street, one-half the cost of which the city of Washington under act of Congress was bound to pay.

Q. With what means did the levy court do the work?—A. They did it with taxes levied upon the property in the county, outside of the two cities.

Q. In point of fact, did the levy court acquire the title to any property previous to the organization of this new government?—A. No, sir, I think not; I think they owned nothing but the roads. I was in their board for several years before the new government was organized. I might add that all the school-houses in the county were owned by the levy court.

Q. Have you any interest in any contract for improvement in the city of Washington?—A. No, sir; I have not.

Q. Directly or indirectly?—A. Neither directly nor indirectly.

Q. Has anything been paid to you to obtain a contract?—A. No, sir; not one cent.

Q. Directly or indirectly?—A. Directly, or indirectly.

Q. Have you as a condition of letting any of these contracts required that any friend should have any interest in any contract?—A. No, sir; never. In fact there are but one or two men who have contracts that I even knew until I went into this government.

Q. How has the question of letting contracts been determined?—A. In the first place, we advertised for proposals for the different kinds of work we had to do. These proposals were opened, and the board made a schedule from them for what they supposed that work could be done for, particularly the proposals for asphalt pavement; \$3 50 per square yard was the lowest bid; we agreed that we would allow \$3 20 for that work. For wooden pavement it was the same thing; we thought they could be put down cheaper and we agreed to allow \$3 where there was no floor to be laid under it, where the blocks were to be laid on gravel and sand; and so with the other work; we either fixed the price at the lowest bid, or at a less rate; some of the contractors complained very much of the prices, and I think myself there is not a man who has made a dollar from these contracts unless it is for laying the asphalt or wooden pavements. I am not sufficiently familiar with them to know what the ac-

tual cost is. I think, so far as the grading is concerned, the contractors have lost money on their contracts.

Q. Do you know a Mr. Smith who laid a concrete pavement in the Agricultural grounds?—A. I know him.

Q. Do you know whether he put in a bid for work on any of the streets?—A. I do not recollect. I would not like to lay his pavement and be responsible for it without reference to the cost.

Q. Did he ever make application to you to get work to do in laying his pavement on any of the streets?—A. No, sir: he never did.

Q. Did your board take into consideration any bids or offers of his to lay his pavement?—A. I think not. I do not think they would have done it; he may have put in a bid to lay his pavement. If he had, I would have opposed it for one. I do not think the pavement would stand where there is any travel; indeed it is not a matter of opinion on my part, but of experience. I know it will not stand; it will not stand even for side-walks.

Q. Mr. Smith states in his testimony that he could lay a better pavement than that which is laid in front of the President's House for 75 cents a square yard?—A. Well, sir, the board would like to contract with him; if he will bring a good man here to go his security, for double or three times that amount.

Q. Do you know what his pavement is?—A. Yes; I know what it is—coal-tar, sand, and gravel. I have seen them lay it; there was a side-walk in Georgetown laid with his pavement, and in less than a year it was knocked all to pieces.

Q. Have you examined the pavement laid in the Agricultural grounds?—A. Not lately.

Q. What is your particular objection to this pavement?—A. My objection is that it will not stand; that no pavement made simply of sand, gravel, and coal-tar will stand.

Q. Do you know how long it has been laid in the Agricultural grounds?—A. It has been laid there four or five years; it has been constantly repaired, and there is substantially no travel there, or nothing but light travel.

Q. Did Mr. Smith bid for the Stafford pavement?—A. He may have done so. I do not remember. All the bids were published at the time we received them.

Q. What do the board mean by "the comprehensive system of improvements" to which they refer?—A. We mean the system of improvement which takes in a large range of improvement for the entire city and District, and not one confined to any particular locality, embracing sewerage, grading, and paving. That is why we proposed to ask for this loan of four million dollars. The interest of the loan and the amount collected for the sinking fund come from the pockets of the people, and they want to know that it is not to be expended for a particular district. It would be great injustice to require all the citizens of the District to pay for the improvement of a particular section, and have nothing done for other sections. The new government embraces the entire District of Washington, Georgetown, and the county, and the system of improvements we adopted was intended to cover the same extent of territory, giving uniformity to grades, sewerage, and the general plan of improvements.

Q. Did you previous to adopting this general plan have any reliable estimates of what it was going to cost to carry out the improvements you proposed to make?—A. We did. Our engineer went over every improvement and made an estimate of what it would cost, and in the plan adopted, our estimate is given for every item of work.

Q. State whether, in general, the cost of the work has not exceeded your estimate.—A. No, sir; it has not. In some particulars I can tell you where more money has been expended than was estimated for. Before the new government was organized, at the time Pennsylvania avenue was paved, everybody was crying out against wood pavements. Then the property-owners on each side of the improvement had to pay for the whole of it; but under the new law, by which the property-holders pay only one third of the improvements in front of their property, and the owners on each side pay one-sixth, there was an entire change of opinion. Everybody was crying out then for a wooden or asphalt pavement, and when we had adopted in our plan macadamized, or blue, or seneca stone pavements, we were importuned to change them for one of the smooth pavements, and we have been forced by the pressure that has been brought to us to change the character of many of these improvements.

Q. Can you mention any street where this has been done?—A. I think Twelfth street west is one. We did not, however, in the beginning, propose to be guided absolutely by the plan laid down in all particulars.

Q. What was that intended for?—A. It was intended as a basis to get an appropriation.

Q. Do you mean to say that you have departed largely from it?—A. No, we have not; we have departed from it in the style of pavements, to a considerable extent, but a great deal of the work has been done for considerably less than our estimates; we found that everybody living on the streets we proposed to macadamize was opposed to it on account of the dust.

Q. What is the difference in the cost between macadamizing and laying a wooden pavement?—A. Macadamized work costs about \$1 50 per square yard, and a wooden pavement costs about \$3. We put down macadamized road for \$1 a yard, with 8 inches of broken stone or \$1 50 with 12 inches. I think F street, west of the President's House, was to have been macadamized, or paved with blue stone, and that it was changed to an asphalt pavement in consequence of a petition signed by the property-holders on that street.

By Mr. CRANE:

Q. What pavement have you put down on Twelfth street?—A. We have put down a square or two, on Twelfth street, of wooden pavement.

Q. Who is the contractor on that?—A. F. H. Finley is the contractor for paving below the avenue. In our original plan we had Belgian blue-rock pavement, and wood, I think, for different portions of Twelfth street. [Witness here explained the different items of cost for the different sections of Twelfth street, as contained in the original estimates.]

Q. In this original estimate for the entire District, the amount to be paid from the general fund is how much?—A. Four millions.

Q. Does not your estimate cover an aggregate of over eight millions?—A. No, sir; the aggregate is a little over six millions.

Q. That is reached by your supposition that you can do the work for 20 per cent. less than your original estimate; there would still be an excess of about \$400,000?—A. I am not sure as to the exact figures.

Q. If you find the money will not hold out, where can you stop after you have commenced the system of improvement; will you commence a street and leave the balance unfinished?—A. For instance, we might commence to pave from the heart of the city, and if the funds did not hold out, we could stop short of Boundary street, where it is not built up, and will not be for some years.

Q. Where do you expect to stop?—A. I do not know. We are not yet near enough to the end of our string to tell that. If you observe, we have not made contracts for whole streets right through; we have made them for such a distance, or for so many squares.

Q. Why do you do that?—A. We might want to change the pavement. Many of these things are experiments. The asphalt pavements are all yet matters of experiment, and there is a very great diversity of opinion as to whether they will stand. A great many people think that because some of this pavement is broken up this winter, it therefore will not stand. I do not think that is any criterion; a brick wall will not stand built in the freezing weather.

By Mr. ELDRIDGE:

Q. Where does the loss of breaking up of this pavement fall?—A. Upon the contractors; they are bound to keep the pavement in order for three years; I think that is in every contract.

Q. Do you mean that the pavement must be as good at the end of three years as at the beginning?—A. Except the ordinary wear and tear, they warrant the pavement to stand for three years.

Q. Suppose at the end of three years the pavement is worn out.—A. Then the contractor will be bound to make a new pavement. I could not say that the pavement must be absolutely as good at the end of three years as at the beginning. I do not think the pavement in front of the Arlington is quite as good to-day as it was the day after it was laid, and yet it is a good pavement. I think that if the contractor keeps his pavement in as good order as that, he will have complied with his contract.

By Mr. CREBS:

Q. Are any of the pavements being made like that?—A. Yes, sir.

Q. It is stated that that is 14 inches thick; what is the thickness of the pavements you are laying?—A. I think about 8 inches.

Q. What is the foundation on which it is laid?—A. Broken stone, which is leveled, and then hot tar poured over it, after which the asphalt is put on.

Q. What is asphalt?—A. It is a kind of pitch.

Q. What is it made of?—A. I do not know what it is made of; it is a mineral. You must put the asphalt on in a certain state, or the pavement is good for nothing; and I think the whole secret of success is in that.

Q. What thickness of that is put on?—A. Three or four inches of broken stone is only a foundation for that.

Q. Do you know whether any of these pavements are finished according to contract?—A. Our superintendents report that they are.

Q. Do you have a superintendent for each improvement?—A. Yes, sir.

Mr. CHIPMAN here read from Webster's Dictionary the following definition of the word "Asphaltum:"

"1. Mineral pitch, Jew's pitch, or compact native bitumen. It is brittle, of a black or brown color and high luster on a surface of fracture; it melts and burns when hot, leaving no residue. It occurs on the surface and shores of the Dead Sea, which, from this substance is called *Asphaltites*, or the Asphaltic Lake. It is found also in many parts of Europe, Asia, and America.

"2. A composition of bitumen, pitch, and gravel, used for forming pavements, and as a water-proof cement for bridges, roofs, &c."

WITNESS. The French asphalt is a stone, which they take and grind and put on hot. In my opinion there is just as good asphalt in this country as the French.

By Mr. CREBS:

Q. It has been stated that this asphalt has been put on pavement only 3 inches thick.—A. I do not think that is true.

Q. If it is put on that foundation, will it stand three years?—A. I do not think it would stand one year.

Q. One witness states that they put on the asphalt just as you would pepper—just a little sprinkling.—A. That is the first covering, I suppose; a heavy coat is put on afterward.

Q. Do you think you have succeeded in getting the work done on this improvement, so far as you have gone, for 20 per cent. less than the estimate?—A. I do. For instance, our estimate for putting down wooden pavement was \$4; it has been done at \$3, which is a great deal more than 20 per cent. below.

Q. Is not your estimate for grading 15 cents, and do you not pay on your contracts 30 cents?—A. Our contracts run from 20 to 30 cents, but we only pay one way. The first contracts we gave out were at 20 cents, but there is no man living who can do the work for it. The old corporation used to pay for cutting, and then pay for filling; we only pay one way.

Q. Your estimate for the work done on Seventh street beyond the boundary foots up \$2,500.—A. That is a mistake: it should be \$25,000.

Q. And there is evidence here that it will take \$150,000 to finish it.—A. I do not think it will cost anything like \$150,000. It is going to cost a good deal more money than we estimated; there is no doubt about that.

Q. And I see nothing in this estimate for F street beyond Seventeenth, or for Eighteenth and Nineteenth streets, in the same locality.—A. Yes; there is an estimate here of \$9,148.

Q. Is not the cost of that work actually much larger than that?—A. Yes; much larger.

Q. Taking out these two items, do you still think you are doing the work 20 per cent. less than the estimate?—A. I do.

Q. What portion of these contracts estimated for are actually under that?—A. I suppose about two-thirds of them.

Q. Could you make a statement of the number of contractors who have actually commenced work?—A. You have the contracts all here. I would not like to speak positively about any of these things from memory. We have had in our office, for the last two or three months, just as much to do as it was possible for anybody to attend to, and I have not charged my mind with all these details.

Q. In regard to your plan of letting contracts, I understand you to say you first advertised. Did you specify in your advertisement the streets on which the work was to be done?—A. I do not remember whether we advertised the particular streets, or whether we advertised a particular kind of pavement. My impression is that our proposals were so much for asphalt pavement, so much for wooden pavement, so much for blue-rock pavement, so much for seneca pavement, so much for macadamizing, &c.; and in making out our prices, we either took the lowest bids, or fixed the price at considerably less than the lowest bid.

Q. Mr. Smith states that he offered to lay down just such a pavement as that before the Arlington at \$2 50 a square yard.—A. He did not make any such proposition.

Q. Are you satisfied that you have not made your contracts above the lowest bid?—A. Yes, sir.

Q. And when you accepted the lowest bid, did you allow that man as much as he would take?—A. No; we divided the work up, giving one man one street, and another man another.

Q. Why was this division made?—A. Of course we could not give all the work to one man, for no man could do it.

Q. What did you require of a man before you accepted his bid giving him a contract?—A. We did not require anything particularly.

Q. Did you require him to make a deposit in money when you received his proposal?—A. We did in most instances. I do not recollect whether we did in these proposals for pavements or not.

Q. Mr. Smith states that he deposited a thousand dollars.—A. Very likely he did; that is our rule.

Q. If one man bid lower than anybody else for a particular kind of work, and you accepted his bid, why would you not be willing to give him all the work of that description?—A. Because he could not do it.

Q. You have not given one man a job of work at a certain price and another man the same sort of work at a higher price?—A. No, sir; not in any instance.

By Mr. ELDRIDGE:

Q. In regard to the F street improvement, under what contract was that work done?—A. The first work done was under an order from the mayor of Washington.

Q. Who supervised the work?—A. Mr. Forsyth, the city surveyor; the board of public works then told the contractors they might go on with that work.

Q. What part of the work was done under the order of the mayor?—A. The grading.

Q. After the board of public works took charge of the streets, was there an alteration made in that grade?—A. Yes, sir.

Q. Why was that made?—A. It was made to conform to the grade as established by the city years ago: the change was unanimously agreed upon in the board, all the members believing that it would greatly improve that part of the city, that it would furnish better foundation, would look better, would light up better, and greatly facilitate the building of the new State Department and make it a much handsomer building than it could be with the old grade.

Q. How many times was that grade changed?—A. I do not recollect.

Q. Did the board especially take that matter in consideration and act upon it?—A. Yes: it was brought up before the board for its approval, and every member of the board signed the profile.

Q. Was that grade made with reference to benefiting Mr. Shepherd's buildings?—A. No, sir; and it put him to a large expense, and kept him out of the use of the houses for six or seven months.

Q. Has the establishment of that grade been an injury to all the houses along the line of it to some extent?—A. I think when the work is finished it will be a very great benefit.

Q. Was Mr. Shepherd opposed to the establishment of that grade or in favor of it?—A. When Mr. Mullett first proposed it, he opposed it; he said it would cost him a great deal of money. I recollect that some playful remark was made about it, and that he remarked that as other people would have to pay their part, he supposed he would his.

Q. Who first proposed the present grade?—A. Mr. Mullett; and when the other members of the board had examined the profile, and had visited the location, seeing how greatly it would improve that portion of the city, we all agreed to it.

Q. Did you hear citizens living on the line of that street?—A. No, sir.

Q. Was there a remonstrance filed against it?—A. There was a remonstrance filed.

Q. What consideration did you give to that?—A. We read it and listened to it. A good many other citizens living along the line of the improvement were in favor of it.

Q. Can you name any persons living on that street in favor of it?—A. Yes; Mrs. Turnbull is in favor, and General Babcock is in favor of it; General Ramsey, I think, is in favor of it, and many others.

Q. Was there any petition or request by anybody for that improvement?—A. No; I think not.

Q. Were they consulted at all in regard to it?—A. No, sir; not to my knowledge.

Q. The pavement was changed on that street?—A. There was no pavement on it. It was a graded street, and a bad one at that.

Q. Was that street included in your estimate for pavements?—A. Yes; but the proposition was to macadamize it; the pavement was changed because the people living along the street wanted a wooden or an asphalt pavement laid down. They were howling for a smooth pavement to be laid down after the grade was made.

Q. Do you know what Mr. Ray requested in that regard?—A. Both the Rays petitioned for an asphalt pavement like that in front of the Arlington.

WASHINGTON, D. C., March 4, 1872.

Mr. SAMUEL L. PHILLIPS was recognized as counsel for the District government in the temporary absence of Mr. Chandler.

Mr. GREEN, of counsel for the memorialists, read the following paper:

"I ask the indulgence of the committee for a few moments, on a matter partly personal to myself, and of vital importance to the cause of my clients.

"The committee will bear me witness that, in the conduct of this case, I have in no respect been wanting in the courtesy and respect due to them. If the investigation has been tedious, it has not been because of my wasting their time, but because the information we have called for and were entitled to has not been furnished.

"On Friday last one of the committee, Mr. Williams, of Indiana, asserted that his signature to the order authorizing experts selected by the executive committee of the Citizens' Association to examine '*any work in relation to which they may desire to offer testimony before the committee,*' and '*to inspect any plans, specifications, contracts, and estimates of amounts paid, or to be paid, for such work,*' was obtained fraudulently.

"So far as this assertion touches me personally, I reserve my reply for another time and place.

"But, inasmuch as it is calculated to prejudice the cause of my clients, I feel that my duty to them requires me to notice it here and now.

"On the first day of my appearance as of counsel for the memorialists, 5th February, I submitted in writing the following, (see page 108:)

"These questions arise:

"Is the work being done according to contract?

"Is it strong enough to stand the concussion to which it will be subjected? If not, possible loss of life as well as great loss of money to the tax-payers is involved.

"It is manifest that such questions can only be satisfactorily and properly answered by a board of experts, and that it is a waste of the valuable time of the committee to attempt to get at the truth in any other way. The twelfth, thirteenth, fourteenth, and fifteenth specifications of the memorial all involve similar questions as to grades, kind, and cost of materials and labor, sewerage, &c., &c., which can only be solved properly through the instrumentality of such a board of experts.

"We therefore ask your honorable committee to appoint a board of five experts, who, *under oath*, shall examine and report on the grades and sewerage, the different kinds of works begun, the kind and cost of material and labor, the manner in which these works have been and are being done, and all other matters of like nature.

"One of the main grievances complained of in the memorial is that the board of public works is a *close corporation*, whose transactions have been kept secret, and thus the citizens have had no opportunity of access to their records, or official information as to their contents.

"For this reason it is absolutely indispensable to a fair investigation that the board of public works shall be required to furnish the committee the information called for in the annexed schedule."

"Part of the information called for was the '*contracts and estimates*,' which have not yet been furnished nor produced in any tangible form.

"We desired that the committee should select as experts men of such scientific attainments and personal character as would preclude all question of error on the one hand, or manipulation by or partiality to either of the parties to this controversy on the other.

"The committee decided that they had no authority to select experts, but that the memorialists might have the work inspected and measured by such experts as they might select, who might afterward testify in relation thereto under oath.

"Experts were sent to inspect and measure the Tiber Creek sewer, and were driven off by the contractor with threats and violence. Affidavits of that fact being laid before the committee, they passed the order of the 23d of February, and it was agreed that I should prepare it for the signature of the chairman *pro tem*.

"As soon as the committee adjourned I drew up the order, in the most perfect good faith, and precisely as I understood the committee intended it should be drawn, and sent it by Colonel Tenney, clerk of the committee, to Mr. Williams, in his seat in the House, for his approval and signature. It never occurred to me that he would sign without reading it, or that there was anything in the order that the committee did not intend to authorize. If there was, the proper course was for Mr. Williams to correct or return it to me for such correction as he might think proper to suggest.

"The order, as drawn up by me, does not contemplate, as assumed by Messrs. Williams and Starkweather, that the experts shall examine *all* the work, but only '*any work in relation to which they (the executive committee) may desire to offer testimony before the committee.*'

"It does not, as assumed by Mr. Starkweather, contemplate that the experts may have access, '*at any hour of the day or night,*' to all the books and papers of the District government, nor to the '*private books and papers*' of the members of the board of public works.

"It simply provides that at reasonable and convenient times, during office hours, the experts may inspect 'the plans, specifications, contracts, and estimates of amounts paid, or to be paid, for such work;' i. e., work 'in relation to which the executive committee of the Citizens' Association may desire to offer testimony before the committee.'

"These 'plans, specifications, contracts, and estimates' are not *private papers*;' nor does that order, as it was written by me, contemplate, as Mr. Eldridge supposes, that this committee is to transfer their authority to a board of experts. It only proposes that experts should have a fair opportunity of examining the work, so that they might afterward give their testimony *under oath*, as other witnesses.

"Manifestly, it is simply impossible for any expert to testify intelligently on the question, 'is the work being done according to contracts?' without an inspection of the 'plans, specifications, contracts, and estimates,' and to deny us the opportunity of such inspection is simply to make the investigation ordered by the House of Representatives a *farce*, not to use the stronger term used by Mr. Williams, viz., *fraud*.

"On behalf of my clients, I rebel and protest against Mr. Williams's charge of fraud, and ask that this protest may be entered on the record.

"I respectfully submit for reconsideration that the order, as drawn by me, was a perfectly proper one, and indispensable to the investigation ordered by the House."

Mr. COTTON. Did this committee authorize the order?

Mr. GREEN. I certainly understood it in that way.

Mr. COTTON. Where is the record—the part of it to which Mr. Williams objects?

Mr. WILLIAMS. The point I made was that the order contained matters that were not before the committee, and not intended to be covered by the authority given by the committee. As I understood it the order was simply to authorize this board of experts to measure certain work from which, it was alleged in their affidavits, they had been driven off. I did not read the order, supposing that Mr. Green would confine it to the facts. I supposed that

the gentleman was an attorney and a man of honor, and that he would simply present the authority which was intended to be conferred by the committee. The members who were present on that occasion will bear me witness that there was nothing before the committee in relation to examining papers, books, and documents; it was confined simply to the measurement of work alone.

Mr. GREEN. It is impossible for a man to measure work intelligently, in connection with a contract, without having the contract and specifications and the plans before him. I therefore took it for granted that, in measuring the work, these experts were to have the means of knowing what they were to do.

Mr. ELDRIDGE, (to Mr. Green.) Did you send these men yourself to measure the sewer?

Mr. GREEN. I did not. They were sent by some one of the executive committee.

Mr. ELDRIDGE. They went there without any such order?

Mr. GREEN. Yes.

Mr. ELDRIDGE. I thought it was conceded here on Saturday that the latter part of this order was not expressly authorized.

After further discussion, it was ordered that Mr. De Maine should have access to the plans and specifications, in the office of the board of public works, showing the grades from Fifteenth to Third street.

WASHINGTON, D. C., March 4, 1872.

WILLIAM T. COLLINS sworn and examined.

To Mr. GREEN :

I am editor and proprietor of the Grand Army Journal. I have done advertising for the District government. The total amount of my bill was \$3,200 64; of that sum \$2,758 14 has been paid.

Question. When you presented your bill was there any question raised about curtailing it?—Answer. No, sir.

Q. Any proposition to alter it in any way?—A. No, sir; not that I remember. It was all for advertising.

By Mr. ELDRIDGE :

Q. By what authority did you publish these advertisements?—A. By authority of Governor Cooke.

Q. When did he give you the order?—A. I do not recollect the date. It was about the time the order was issued to the other papers.

Q. Had you published it before you got the order?—A. No, sir. The order was given to one of my agents. I was at Frederick, Maryland, at the time.

Q. Do you know what conversation took place at the time the order was given?—A. I do not.

Q. Had your paper advocated the present form of government and the improvements contemplated by the board of public works previous to publishing the advertisement?—A. It had.

Q. Did your paper change its sentiments on that subject in any way?—A. Not at all.

Q. Was there any understanding between you and any member of the District government that your paper would advocate with more zeal the interests and course of the new government?—A. There was no such understanding with me. If there had been with my agent I should have known it. Certainly there was none with me. I had not been approached on the subject.

Q. At what rates did you make this charge to the District government?—A. At my regular advertising rates.

Q. The same as you charge to individuals?—A. Yes.

Q. Was there any reduction from your bill as presented?—A. No, sir.

Q. Was there any objection made to it?—A. There was no objection made to it. There are three or four items which have not yet been presented.

Q. Up to what time is your bill made out?—A. Up to the 1st of January, I think.

Q. Is that all the bill that you have against the District government?—A. Yes, sir.

Q. How was the \$2,758 14 paid to you?—A. It was paid by the comptroller.

Q. Was there an appropriation made by the District legislature for that payment?—A. Yes.

Q. Was your whole bill included in the appropriation?—A. No; I think not.

Q. Do you know whether your bill was mentioned by name in the appropriation bill?—A. It was.

Q. For what sum?—A. Something over \$4,000, I think; but some of my bills were duplicated in making up the statement.

Q. How were they duplicated?—A. In the appropriation bill there were two or three of the items duplicated; and when I came to settle with the controller I called his attention to it.

Q. Did the controller audit your bill?—A. Yes.

Q. And these deductions were made at that time?—A. These deductions were made at that time. The same amount for which I had presented my bill was paid. It was, I think, a clerical error in making out the appropriation bill.

By Mr. CREBS:

Q. Yours is a weekly paper?—A. Yes.

Q. Does it circulate to any extent within this District?—A. Yes.

Q. Its circulation is outside of the District?—A. Principally; I have a large circulation in the District—quite as large, I think, as a majority of the weekly papers.

By Mr. HARMER:

Q. Did your agent call upon Governor Cooke and solicit this advertising?—A. I think he did.

Q. Who was your agent?—A. John L. Clem. He is now in Texas.

WASHINGTON, D. C., March 4, 1872.

JAMES E. HARVEY sworn and examined.

By Mr. GREEN:

Question. Were you the editor of the Patriot last fall?—Answer. Yes; I was the founder and editor of it.

Q. Are you still connected with it?—A. No, sir.

Q. When did you leave it?—A. In September last, I think.

Q. Are you willing to state to the committee whether you left the Patriot because of any disagreement with others concerned in it in reference to their support of the board of public works?—A. I am perfectly willing to state the facts.

Q. State all that you know on that point.—A. There was no disagreement on that point. I was editor of the paper and exercised my authority as such, with the consent and co-operation of my colleagues. I see by the report of the testimony given here on Saturday that it was stated that I wrote the articles in reference to the board of public works. It is proper for me to confirm that statement. I did write all of them; and I wrote them under a sense of public duty entirely, with not a particle of partisan feeling. I believed that we were initiating a system here that was to be ruinous to the best interests of the District, and which the people would not be able to sustain—there being no commerce or manufactures here. While we were in favor of a proper and liberal system of improvements, we conceived that the highest order of scientific talent was indispensable, and that no ordinary men—no matter what their intelligence might be or their practical knowledge of the affairs of life—were competent to do that work. And, inasmuch as the board of public works had started on their system without calling in a scientific council, we thought it our duty to oppose it, for the reason that a system was about to be inaugurated not unlike that which has prevailed in other great cities, and which the population and wealth here could not sustain. I pursued that course under the conviction of public duty alone up to the hour when I left the paper, and which I left because my health broke down, and for no other reason. I did not leave it on account of difference of opinion in reference to this subject in the management of the paper. I would suffer nobody to interfere with me in that respect.

By Mr. ELDRIDGE:

Q. You were not controlled by any person?—A. No, sir. I was editor of the paper, and that capacity I exercised the rights and authority of the editor. Beside, I was one of the trustees and stockholders of the paper. I was president of the association; but independent of that I was the editor, and of course I would not remain an hour in that position if my rights in that capacity were to be controlled. But there was no division of opinion up to the hour I left, when the paper suddenly became silent.

By Mr. CREBS:

Q. Did the government advertising appear in the paper before you left it, or afterward?—A. I cannot recall with exactness the day that the government advertising appeared, but the negotiation for a transfer of my personal interest in the paper, except a small interest in a fiduciary capacity, occurred probably eight or ten days before I left the paper. I remained during that time to oblige my successor, and to enable them to make the necessary preparations for the transfer. I suppose that the fact of the transfer was not unknown outside of the office, and a day or two before I left the paper the first government advertisement got in; that, I think, was toward the close of the week. I was going out on Monday morning, and the last paper contained my valedictory to the board of public works on the subject as strongly as I was able to put it with my feeble health.

By the CHAIRMAN :

Q. Who was your successor?—A. My interest was sold to General Jeffries.

Q. And he became in some sense the editor of the paper?—A. He became substantially the editor of the paper, as I understood.

Q. How long did he remain editor in chief?—A. I think he remained until the stockholders, who had become somewhat offended at the silence of the paper in reference to the so-called improvements, held their annual meeting in November, and then the trustees were superseded. The meeting in November was the first annual meeting.

Q. Who succeeded General Jeffries as editor?—A. That I do not know.

By Mr. RIDDLE :

Q. Permit me to inquire whether the evening or night preceding the morning of your last article in the Patriot you did not think it necessary to remain in and about the office to see that that article was not suppressed?—A. I remained there till the usual hour, till 11 or 12 at night. It would be hardly fair toward my successor to say that the suspicion was excited in my mind, but I did remain with a view to see that that article was published. In saying that, however, I do not wish to cast any suspicion upon anybody.

By the CHAIRMAN :

Q. An inquiry was made the other day whether William M. Tweed, of New York, was not a large stockholder in the Patriot; was he a stockholder from the beginning?—A. Yes; he came in when I did. He bought his stock as an investment, just as he might have bought gas stock. I was the founder of the paper. It was started on the 14th of November, 1870, and I left it in the September following.

Q. Did Mr. Tweed's connection with the paper have any control, so far as you know, by way of advocacy with the board of public works?—A. It is due to Mr. Tweed and to the paper to say that in no shape or form, directly or indirectly, did he ever exercise, or attempt to exercise, the least influence on the paper, or to have any communication with it.

Q. So that his connection with the paper had nothing to do with the advertising for the board of public works?—A. Not, to my knowledge, at all.

By Mr. RIDDLE :

Q. Do you recollect at what time Mr. Tweed parted with his stock?—A. Not except by general knowledge; not by any specific information. He parted with his stock, as I was told and believe, previous to the annual meeting of the stockholders in November, after I had left the paper.

Q. Do you recollect to whom he sold his interest?—A. I am not able to say with any degree of certainty; I believe that Mr. Phillips is the nominal or ostensible holder of that stock.

Mr. RIDDLE. I understood that it was transferred to Mr. Corcoran.

WITNESS. That is possible, but I am not informed.

By Mr. PHILLIPS :

Q. Were you present at the meeting of stockholders in November when you were superseded?—A. I was never superseded.

Q. At what time did you retire?—A. In September.

Q. What was that interview or meeting of the stockholders that you speak of as taking place in November?—A. That was the first annual meeting of the stockholders.

Q. Were you present at that meeting?—A. I was present, representing stock in a fiduciary capacity.

Q. Did you part with any stock or interest at that time?—A. No; I had parted with my own personal stock previously.

Q. Do you hold any stock at present in a fiduciary capacity?—A. I do.

Q. How many?—A. Two shares.

Q. For whose benefit?—A. I am not at liberty to state, because it was received confidentially. The stock stands in my name. It is a self-imposed trust.

Q. You stated that you were opposed to this system of improvements because the city had no commerce.—A. You misunderstood me. I said that that was one of the reasons why we should not go into this large scale of improvements, because this city is not a commercial or manufacturing city.

Q. Were any of these improvements that were made or contemplated by the board of public works made with a view to making this a commercial city?—A. Not that I am aware of.

Q. Were they not improvements that were solely directed to the convenience of the city as a large inland city—such improvements as the grading of streets and laying of sewers?—A. I am not prepared to enter into the discussion of the policy that moved the board of public works in these so-called improvements.

Q. You did discuss it in your paper?—A. Yes, and with considerable sternness, as the initiation of a very dangerous system.

Q. That it was a dangerous system because these improvements contemplated making this a commercial and manufacturing city?—A. Not at all; I have said nothing of the kind; I have not made any such suggestion. I said that I opposed this so-called system of im-

provements because it was not founded upon any scientific investigation such as is demanded for the reconstruction of a large city like this, in sewerage and grading. I said, in addition to that, that it was not wise, in my judgment, to enter upon such a system of changes as was proposed in the plan submitted to the legislature, for the reason that there was no commerce or manufactures here.

Q. Can you point out to the committee at this moment any work proposed by the board of public works that is not proper for a large city like this?—A. I think that with a city of limited population and wealth, and having none of the resources common to great commercial centers, we should guard its expenditures just as a man of small means guards the expenditures of his household.

Q. Has anything been done with the grading or sewerage of the city that was not proper for a large city?—A. I would not say that it was not proper, but I do say that, inasmuch as the destiny of this city appears to be social and political, and that its attractions are mainly for strangers and not for commerce and manufactures, the first object of a prudent set of guardians, as we supposed this board of public works to be, would be to make those necessary improvements which first attract the eye and are necessary for the convenience of strangers coming here. Hence, without attempting to put my judgment against the judgment of the board of public works, or anybody else's, I say that this opening of roads on the extreme circumference of the town was entirely uncalled for until the center of the city was first improved.

Q. Was not the great proportion of the amount estimated for work to be devoted principally to the interior of the city and great thoroughfares?—A. I really am not prepared to say.

Q. Does produce to the Washington market come over those roads and thoroughfares to which you have just referred?—A. That is possible. A thousand dollars would have put the Seventh street road in a good transportable condition.

Q. Have you made any estimate of that?—A. I have made the estimate which an ordinary intelligent eye would make in going over a road frequently.

Q. Then your principal objection was that you had not confidence in the general or scientific abilities of the board of public works?—A. That was one of the most decided objections, that they were entirely incompetent for the great task of reconstructing the city, and had not called in the necessary scientific skill.

Q. Did you begin your strictures against the board of public works before they had undertaken this work?—A. I began when they submitted their so-called plan, embracing an expenditure of \$800,000.

Q. And before they had undertaken the work?—A. That was the development of the work. I opposed them when they submitted the plan which was to be carried out.

Q. Then you did not wait until you saw how the work was being performed; but you opposed the board in advance?—A. I could not have opposed them in advance when I tell you that the first criticism was made on the plan submitted to the legislature.

Q. Before the plan was submitted, had you not attacked the board of public works?—A. I do not recollect; I hardly think so. It is very probable that I condemned the partisan appointment of the council and of the board of public works, because we understood when this government was about to be formed that it would be as much as possible divested of partisanship.

Q. Had you been hostile or friendly to the new government before this estimate of work was made?

WITNESS. In what sense?

Mr. PHILLIPS. In any sense.

WITNESS. I have tried to answer by telling you that I condemned the partisan character of the thing as injurious to the District.

By Mr. ELDRIDGE:

Q. You were conducting the paper at the time of the organization of the new District government?—A. Yes, sir, I was.

Q. You understood at that time that the government which was to be organized was to be a non-partisan government?—A. Yes, sir, I understood so. Of course we took it for granted that the administration in power would give the preponderance to its friends, naturally and almost necessarily.

Q. Did you give your approval to the principle of the appointment of one entire branch of the legislature by the executive?—A. By no manner of means; I regarded it as entirely inconsistent with the genius of our institutions.

Q. Do you not know the fact that this new order of things was advocated by the gentlemen most in favor of it, on the ground that it would relieve them from the negro government here, and give them a higher class of government?—A. I so understood; I cannot say that I knew. I took no part myself individually in the organization of this territorial government, but that was the understanding that I had in my mind. The idea was that the objection to the importation of negroes to override the tax-payers was to be obviated by the organization of this new government, and that we were to have a non-partisan government; that is to say, that there should be a political distribution of the offices.

Q. How has that expectation been verified?—A. The fact has been that the new govern-

ment has turned out to be the most exclusive and partisan and despotic that exists in the whole country, and, in many respects, so far as the legislature is concerned, the most disgraceful.

Q. On what facts do you rely for that conclusion?—A. On the proceedings of the legislature, in part. Everybody knows that the board of public works is entirely partisan. The council is all one way, and the proceedings of the legislature will speak for themselves.

Q. Were there none but republicans appointed to the council?—A. I understood not; I never heard of any others. There were one or two gentlemen called democrats who were appointed, but they were called democrats just as Tammany republicans were called republicans.

Q. Have you given any attention yourself to the improvements in the city?—A. No, except as a mere observer in passing through the streets. I really do not feel myself competent, in any sense of solid or sufficient judgment, to express an opinion more than any ordinarily intelligent man would do. I had occasion, having been one of the counsel for the contractors for the pavement that was laid down in front of the Arlington House, to examine that pavement; and I have seen the same system of pavement in European cities, particularly in Paris, and I knew how that was laid. Therefore, when I saw this pavement being laid on Pennsylvania avenue, in front of the President's, I felt convinced that it was imperfectly laid, and that it could not stand, because it was not laid on the principle on which these roads are built when properly constructed.

Q. Was it built on the same principle as that in front of the Arlington House?—A. I do not think so; I saw that when it was being built, without examining it.

Q. What difference did you observe between that in front of the President's and that in front of the Arlington?—A. Of course you understand that I am not speaking as an expert at all. In order to make such a road, it is necessary, first, to cut it down to the original soil and drain it, and then to roll it, so that you have a plane, natural, rolled road; the drainage is one of the most important considerations. After you have done that, you lay a first bed of cubes—common stones two or three inches in size. The interstices of these stones are covered with this combination which is called asphalt as a descriptive phrase; it is not asphalt, though. On that is laid another layer, of less depth and of a finer quality of stone, and the same thing over again, and so on until you come to the surface; and that is thoroughly rolled and covered with a skin of asphaltum. What destroyed any little confidence which I might have had in the pavement in front of the White House was this: I did not see these first processes, but I saw cubes three or four inches probably—large cubes—with their angles standing up, and filled in with this asphalt on the surface. The moment you put the skin on that, and apply the ordinary travel, you must cut through the skin, for these angles will stand up, naturally and necessarily.

Q. Was not the surface of this broken stone made smooth by mixing asphalt with sand?—A. The mere surface was, but just below this skin were these jagged angles of large cubes.

Q. In the roads that you observed in Europe, were not the beds of the roads broken stone?—A. Yes.

Q. Jagged stone like this?—A. Yes; but I think they should have been in the lower stratum.

Q. What should be in the upper stratum?—A. Fine gravel and sand. There should be three layers, coming gradually to a fine surface, and on that there should be put this skin—as I call it—of asphaltum.

Q. You said that this was called asphalt, but was not; what do you mean by that?—A. I mean to say that there is very little asphalt in any of these pavements here. It is an oil produced from a peculiar kind of rock. They used in front of the Arlington House a hardening process of litharge and various things put together. The president of that company, who employed me as his counsel to get the money, described to me the conditions, which I have forgotten. I had occasion to examine the thing then with a considerable degree of care. What they use here now is coal-tar and some other things. I think that that pavement in front of the Arlington is better than the Paris pavements, for I have observed in Paris that immediately after a heavy rain, there are workmen on the streets with scrapers, with which they scrape off a slimy mud. The water operates on this pavement, and, with the attrition of the wheels of vehicles, produces rapid disintegration. This pavement at the Arlington strikes me as much better than the Paris pavements; I do not observe that result after rain.

Q. Have you observed this recently in front of the President's House?—A. Not particularly. I saw holes in it.

Q. Did you notice whether this disintegration is going on there?—A. I did not. I should suppose that the skin there is good, but the road-bed is not, in my judgment, laid as it should be.

By the CHAIRMAN:

Q. You speak about under-drainage; is that usual in this country?—A. That I do not know; but it is one of the necessary elements in order to make this pavement serviceable.

Q. What is the entire thickness that you would suggest?—A. Nine or ten inches—the deeper the better. There should be two or three courses of stone, with asphalt between

these courses, and, over all, a skin of asphalt. It is a costly road, but it is like the Belgian pavement as compared with ordinary pavements. It is cheaper in the long run.

By Mr. ELDRIDGE:

Q. Did any member of the board of public works or of the District government apply to you to change the course of your paper while you were conducting it?—A. No, sir; not at all. I do not suppose that any one would have done that except in the sense of friendly intercourse.

Q. Was there anything of that kind?—A. No, sir.

Q. Did any member of the District government find fault with you?—A. I think that probably they did. I think that my course of criticism was not agreeable.

Q. Had you any communication with any of them?—A. O, no; but I judge that from the criticisms on the Patriot in the papers that were favorable to these gentlemen.

Q. No person connected with the city government spoke to you on the subject?—A. None at all. I should have been very glad to have conferred with these gentlemen. And that was one of the great troubles—that they have undertaken this great system without conference with the citizens. I do not speak for myself at all, or mean to say that I desired to be conferred with. But the great body of the tax-payers should have been conferred with. There has been no communication with them. The whole thing was taken out of their hands. And, in my mind, the great danger is that, if the board of public works continues to exercise its authority as it has done, the debt next year will go up from four or five millions to eight millions, and the city will be in the condition of a bog in some places, and then we will be obliged to complete these so-called improvements.

Q. Have you any idea of the amount of money already expended or necessary to be expended in order to complete the works projected?—A. I have not, except that I take their original statement, submitted to the legislature, as a base. They commenced the dangerous New York system of negotiating loans. They first made a loan of \$250,000, and afterward a loan of \$500,000. There is not the same accountability with this system of temporary loans that there is in requiring strict appropriations to be made.

Q. Do you understand these temporary loans to be in addition to the four-million loan?—A. I understand them as being in advance of the four-million loan.

By Mr. CHIPMAN:

Q. That was in anticipation of the taxes, was it not?—A. I suppose it may have been in anticipation of taxes; but it was the fault of the territorial government that the taxes were not collected in time.

Q. Are not the taxes usually collected in the winter?—A. No, sir; the legislature had the power to pass the tax bill at any moment, and that was the first thing that ought to have been done. The expenses should have been governed by the receipts.

By Mr. ROOSEVELT:

Q. How long do these revenue bonds run?—A. I do not know.

Q. You do not know whether they are to be paid out of the year's taxes or not?—A. I cannot say.

Q. Do they run more than six months?—A. They run more than six months, or a year I suppose. The first loan was \$250,000, which the governor negotiated; and then there was a loan of \$500,000. They were probably to be covered by the taxes. But it was the default of the local government that the taxes were not collected at the proper time.

By Mr. CHIPMAN:

Q. Do you think that the new government could have perfected a tax bill and have had the taxes collected in time to do work in the summer?—A. I do not see that there was any difficulty in collecting the taxes. I think that the people are always ready to pay them, just as they have been in the habit of doing for years past; and the surprise was why the taxes were not collected. The departure from the old usage led necessarily to a suspicion that there was some reason why the tax was not collected.

Q. What was the time at which the old taxes were collected?—A. I think in July or August; I am not quite certain.

By Mr. ROOSEVELT:

Q. Do you know whether there was any authority for issuing these temporary-loan bonds?—A. I do not know; I take it for granted that the legislature gave authority.

Q. You are not sufficiently acquainted with the law?—A. I am not.

By Mr. ELDRIDGE:

Q. Did you know Mr. Green, the engineer employed by the board of public works?—A. No, sir; I did not; he came along afterwards; he only came in a few months ago, I think; I did not know him.

Q. You do not know anything of his experience as an engineer?—A. Not at all; I am not able to speak about it.

By Mr. ROOSEVELT:

Q. What do you think of the advisability of advertising in fifteen newspapers?—A. I think that that was worse than anything that Tammany has done.

Q. Are fifteen all the newspapers in the District?—A. I think so; and some of them have no circulation whatever; some of them I never heard of by name, and did not know that they existed at all.

Q. How many papers do you think would have met all the necessity of advertising?—A. I would have supposed that the three morning papers and the afternoon paper would have been abundantly sufficient; in fact, more than sufficient; that is, the Chronicle, the Republican, the Patriot, and the Star. If I were asked my candid opinion, I should have said that one paper on each side of the morning papers, and the afternoon paper, would be abundantly sufficient, and would have reached everybody in the community whom it was necessary to reach.

By the CHAIRMAN:

Q. Would you not include the democratic paper of Georgetown?—A. I think I might; the Georgetown paper is a weekly paper; I think it only fair that it should be included.

Q. There are many heavy tax-payers in that section?—A. Certainly.

By Mr. CHIPMAN:

Q. You spoke of the territorial legislature being the most disgraceful body you ever observed; state in what particulars.—A. I said the proceedings of the legislature were, in my judgment, disgraceful.

Q. Mention one act that you think disgraceful?—A. I take the whole course of proceedings.

Q. You mean the manner in which proceedings are conducted?—A. I mean the creation of offices, and I mean the fact that members of the legislature were connected with jobs.

Q. Do you know that to be true?—A. I understand it to be true.

Q. Do you base your opinion on that suspicion?—A. I base my opinion on common knowledge—on common belief.

Q. Name any act of the legislature which you think disgraceful.—A. I cannot go into the naming of any act, because I have not been following their acts precisely, but I have observed their general course. If you ask me to name one act I will name one: the legislature asked for a loan of \$4,000,000, and then one of the members rose up and demanded that it should be made \$8,000,000, and the legislature authorized \$4,000,000 additional, after having assured the community that only \$4,000,000 was necessary. That was one act, and a most conspicuous one.

Q. Were both those loans authorized simultaneously?—A. Certainly not.

Q. Did it not grow out of the injunction that was laid on the first \$4,000,000?—A. That was alleged to be the reason.

Q. Are you in favor of popular government?—A. Decidedly.

Q. You believe that the council ought to be elected?—A. Yes, I think so.

Q. Would you include the colored people here as voters?—A. Decidedly, now that the Constitution has made them voters.

Q. Then, what did you mean by speaking of its being the desire, in organizing this new government, to get rid of the negro government?—A. I did not say that that was my desire. Mr. Eldridge asked me the question, whether it was not understood, at the time this government was formed, that one of the considerations in favor of forming the territorial government was to get rid of the floating mass of the black population that was imported here to override the tax-payers.

Q. And you want these colored people to vote, and yet you want to get rid of them at the same time?—A. I beg your pardon. You put me in an inconsistency which I have not put myself in. I have said that that was the understanding; I did not say that it was my opinion; in fact I disclaim it.

Q. Do you know whether there ever has been an assembly of the citizens that instructed any person to say to Congress that they desired to get rid of the negro government?—A. No, sir.

Q. Do you believe that any such convention was ever held here?—A. No, I do not; but I believe that there were personal representations to that effect made on the floor of the House.

Q. Do you know whether they represented the wishes of this community?—A. That I do not know. I should suppose that the wishes of any community would be adverse to having a floating population brought in to override the tax-payers.

Mr. CHIPMAN. I am speaking of legal voters.

WITNESS. If you mean to draw the line between imported voters and the colored citizens, I say that the colored citizens have as much right as you or I under the Constitution.

Q. Has it not been your observation here since the colored men have voted that they have been as quiet and peaceable and orderly at the polls as any class of our citizens?—A. Yes; and I have observed also that they have been driven to the polls in great flocks.

Q. State when and where and by whom.—A. I cannot say by whom, but I have myself

seen them go to the polls in crowds. They have behaved very well, however, not only here but everywhere. I think that they have, as a race, behaved wonderfully well.

Q. You speak of their going to the polls in flocks; can you state that they did not have an opportunity of voting as they chose?—A. Of course I cannot say that.

Q. Then there is no objection to their going to the polls in flocks?—A. Perhaps not.

Mr. CHIPMAN. My friend, Mr Eldridge, is attempting to show that this form of government is against the wishes of a certain portion of our people, and that they submitted to it only in order to overthrow the negro government.

Mr. ELDRIDGE. My question did not imply that. My question was whether it had not been represented that the object was to get a government which would not be controlled by negroes.

Mr. CHIPMAN. That is practically the same thing.

Mr. ROOSEVELT, (to the witness.) State a little more fully what you mean by the negroes voting in flocks?—A. They have camped at the polls from early morning

Q. Under any leaders or organization?—A. I cannot say. I presume so. That is the understanding in the community. I do not think it was so conspicuous at the last election as at the preceding one.

By Mr. ELDRIDGE:

Q. What do you mean by camping at the polls?—A. Going there at 3 or 4 o'clock in the morning and remaining there, having possession of the polls.

By the CHAIRMAN:

Q. You say that that is not so conspicuous under the new government as under the former government?—A. What I meant was that it was not so conspicuous at the last election as at the preceding election when the legislature was elected.

By Mr. ELDRIDGE:

Q. By whose instance were these colored people assembled at the polls?—A. That I do not know. It was too early in the morning for me to be scouring the town.

By Mr. ROOSEVELT:

Q. Did you see them during the day march up to the polls in bodies?—A. I saw them in great numbers at the polls.

Q. In anything like organized bodies?—A. I should say it was an organization.

By Mr. CHIPMAN:

Q. Can you say, of your own knowledge, that voters were imported here at any election—that is, brought in from outside the District?—A. I cannot say, of my own knowledge. The census shows a most extraordinary increase of the black population within the last few years.

Q. Have you examined the census?—A. Yes, very carefully.

Q. What is the increase?—A. The increase of the colored population since 1860 is 30,000.

By the CHAIRMAN:

Q. What has been the increase of the white population?—A. The census shows that the whole population has largely increased.

Q. Has not the white population increased in twelve years as much as the black population has?—A. I suppose it has, but the same causes have not operated.

Q. You speak about these colored men going in flocks to the polls; have you any censure of the new government, or of them, because, having been denied their rights so long, (as we all admit now,) and having them now, they should be anxious to vote at the first few elections?—A. Not a particle.

Q. It is pretty natural that they should be a little zealous?—A. Certainly.

Q. You speak of the appointments here being partisan?—A. They were.

Q. Where have you formerly lived?—A. In Philadelphia.

Q. Are the appointments here more partisan than the appointments in Philadelphia, Baltimore, Richmond, or other large cities. Do they not generally put their friends in office?—A. I do not think so.

Q. Can you name a single leading officer in Philadelphia, Baltimore, or Richmond who is not of the party that is in power?—A. I can mention the board of public works of New York.

Q. I am not speaking of New York, but of Philadelphia, Baltimore, or Richmond?—A. Yes, I can name a great many, although I have been abroad and have not followed the thing closely. In these boards that are supposed to be non-partisan, such as the board of health and the board of public works, the minority is always represented in these cities.

By Mr. ROOSEVELT:

Q. Was not that conspicuous in New York?—A. Certainly.

By Mr. CHIPMAN:

Q. Do you know the politics of Mr. Wm. Dickson?—A. No, I do not. I know him very slightly. He came to my office several times.

Q. Is he not a democrat?—A. I believe he is so called.

Q. Was he elected as a democrat?—A. I believe so.

Q. Was he not one of the principal henchmen during the democratic canvass in our congressional canvass?—A. Not to my knowledge. I take it for granted that he was an active man.

Q. Do you know Mr. John Hogan's politics? A. I do not know him personally.

Q. Was he not elected as a democrat?—A. I believe so.

Q. Did not both of them vote for the loan?—A. I believe they did; and they did not recommend themselves to me by that act.

By Mr. CREBS:

Q. During the time that you were in charge of the Patriot, how were your comments in reference to the course of the district government met by the other journals of the district?—A. Very offensively. They tried to put me and the paper in the false position of opposing the improvements.

Mr. CREBS. I was a reader of your paper that time.

Q. What do you know of the cost of the changes made in the Morrison building?—A. All I know about it is this: one of our reporters made a publication in the local column, which had not been submitted to me, stating that the expenses of the Morrison building would be about \$100,000—for the changing and furnishing of the building. The next morning, when I saw the paper, I called the reporter to account, supposing the statement to be an exaggeration, and knowing that we would suffer by an exaggeration, and I told him to go and employ experts—furniture-men and builders—and have them examine the building thoroughly, in order either that the statement should be corrected, if unjust to the territorial government, or that, if otherwise, his statement should be verified. The Star answered that publication by a contradiction of a most positive kind and in a very offensive form. The Star stated that they had authority for saying that about \$20,000 or \$25,000 would cover the whole cost. On the publication of that statement, Mr. Searle, who was the architect, came to my office and introduced himself to me and said: "Your paper has done me injustice in the assumption that this thing is going to cost \$100,000." I said, "I have tried to take pains to inform myself. I believed that that was an exaggeration myself, and knowing that we would suffer more than anybody else from an exaggeration, I tried to inform myself, and I told the reporter to get experts to examine the property." Mr. Searle assured me that he had made his investigation thoroughly, that his estimates were made with the utmost care, and that that statement which appeared in the Star was correct. I did not make the correction, however, because it seemed to me to be palpably absurd, without an investigation, that that statement could be so correct as he assumed it to be.

By Mr. CHIPMAN:

Q. You have stated that you believe the legislature to be guilty of having entered into jobs?—A. I said that I heard so; that was the impression.

Q. Can you name any one member of the legislature, in either house, who was interested, directly or indirectly, in any contract?—A. No, except that I see it published in the testimony of one of your witnesses here, that he, a member of the legislature, was the man who furnished the Morrison building.

Q. Do you speak of that as one of the jobs?—A. That is the technical name that I should give it.

Q. Can you name any instance where any one of the legislative assembly was influenced in his vote by a job in which he was interested?—A. No. I do not know two members of the legislature by sight. They belong to a class of gentlemen who appeared very suddenly on the surface; and really I do not know them.

Q. Do you know Mr. Frederick A. Boswell, a member of the legislature?—A. By sight.

Q. Has he appeared suddenly in this community?—A. No.

Q. Has he not been in official position here for many years?—A. Yes, so I understand, as collector.

Q. Do you know Mr. Thompson, of the council?—A. Yes.

Q. Is he a new man?—A. No, he is a very respectable citizen.

Q. Were not most of the members of the council appointed from among our permanent and good citizens—all of them, I may say?—A. I do not know about that. I know that the colored man Gray was a very highly respectable man. I think he is even better than some of his associates.

Q. Do you think that the lower house of the legislative assembly could be improved by appealing to the votes of the people?—A. To a fair vote of the people, I do, decidedly.

Q. In what particular. Were not all of them elected?—A. They were so returned, and I take it for granted that they were.

Mr. CHIPMAN. I have been asking you these questions out of justice to the legislature which you have attacked in a certain sense. You have attributed to them corrupt motives.

WITNESS. No. I said that the proceedings of the legislature were disgraceful.

Q. Do you attribute corrupt motives to any member of the legislature?—A. I do not know anything about motives. I am not able to penetrate any man's motives.

By Mr. ROOSEVELT:

Q. Was there any necessity for fitting up Morrison's building and the legislative hall?—A. Not at all.

Q. Do you think that the territorial government could have got along as well with the City Hall?—A. Much better. In the first place the community is small. The territorial government did not give it any increase in wealth, population, or resources. The whole population of the District, at the last census, was only 131,000, and I do not see why a community with limited means should be putting on the airs of a great city, and having expenses much larger than many States in the Union.

Q. Is there accommodation enough in the City Hall for the territorial government?—A. Certainly there ought to be.

Q. There always was previously?—A. Certainly, there was no difficulty about that.

Q. Do you know how much heavier the expenses are under the present form of government than they were under the old city government?—A. I cannot speak confidently, but I suppose they are 200 or 300 per cent. heavier.

By Mr. ELDRIDGE:

Q. Is it your opinion that the territorial government, that was organized by this organic act, should be continued or should be abolished?—A. That is a matter, of course, for the wisdom of Congress. If it is continued I should think that Congress ought to limit the powers of this board of public works, which, as now constituted, is an oligarchy, having the whole power of taxation. My own idea is that the whole thing has been an absurd experiment.

Q. You are aware that, by the organic act, the amount of indebtedness is limited, except it shall be increased by a vote of the people?—A. Yes, sir; I am aware of that.

Q. Would you take away that right of the people to vote an increase of the debt?—A. No; I would not take away any right from the people, I would restrict the board of public works. If you are going to continue the territorial government I would tie their hands, so as to give some protection to the community.

Q. Are you aware that the board of public works is restricted in expending money until appropriations are made?—A. I am aware of that, but I am aware that the restrictions are not respected.

Q. What other limitations would you suggest?—A. I am not prepared to answer that reflectively. If I should answer on the spot I do not think that my opinion would be worth anything. That is a practical question of serious moment, and I do not feel that I would be at liberty, just now, to give an opinion that would be worth anything.

Q. I want your views as to what would be the best to suggest, the government being established and having gone on as it has gone. In view of the whole circumstances, what would you suggest as a remedy, or would you relieve the community of the territorial government?—A. I think myself that that is the most necessary thing. I should be in favor of the old charter, properly administered, with some corrections, perhaps, having a board of public works, if you please, attached to the old form of municipal government.

Q. Taking into consideration the fact that this system has been inaugurated, and taking into consideration the indebtedness that has been incurred, and all that, would it be your opinion that it would be wise to abolish this territorial government and go back to the old one?—A. The sooner you get at the roots of the evil the better. Therefore I would strike down the whole concern. If you want a plain answer, I would abolish the territorial government. I do not think that that would affect the credit of the city. I have heard the suggestion made that it would derange credit, but I do not think so. When a man, who is spending other people's money extravagantly, reduces his expenses, I do not know that his credit is impaired by that fact; I should rather suppose that it is increased.

Q. Is it your opinion, from what you have observed here, that improvements ought to be made in the city to a greater extent than they were under the former government?—A. Decidedly, and on a scientific plan, studied out by competent engineers, because no ordinary citizen is capable of reconstructing a city of this space.

Q. Then your objections to the territorial government do not grow out of the fact that improvements have been made here?—A. Not at all.

Q. What you object to is the unwisdom with which they have been made?—A. Precisely; I would have improvements made on a liberal scale. I had an opportunity, when this question was up, of conferring with a good many citizens, and I tell you distinctly that I found no spirit of opposition whatever to improvements; on the contrary, I found a liberal spirit in favor of improvements. All that we wanted was to have a proper system devised, and to have the expenses honestly guarded.

Q. Did you hear the testimony of Colonel Berret on Saturday?—A. I did not.

Q. Colonel Berret stated that he thought that any improvements judiciously and wisely made, and honestly carried out, which did not involve the city in a debt exceeding ten millions of dollars, would be judicious; what is your opinion on the subject?—A. Ten millions of dollars is a great deal of money; I should suppose myself, that a proper system would comprehend not only the topography of the town and the reconstruction of the grades where necessary, and the sewerage, but would comprehend, necessarily, the resources of the peo-

ple, and the question of how much taxes they could bear, and that these taxes should be judiciously applied through a series of years. The expectation that is announced that, from the mere fact of improving a few of these streets, you will have an inundation of population, is absurd; there has been no substantial increase of population here within the last year or two of any considerable account whatever, and you cannot bring it here, because there are no temptations to come here that there are elsewhere. The only thing that is to make the future of this capital, is the social and political attractions of the town; and they are not going to hurry people to come here. Wealth will settle itself down gradually around these attractions. To suppose that it is necessary to do the whole of this great work in twelve months is an absurdity on its face, because the money cannot be properly expended, and the work cannot be overseen as it should be.

Q. Have you given any consideration to the subject of the Washington Canal?—A. Not at all; I am not able to speak on the subject.

By Mr. ROOSEVELT:

Q. Do you know whether this four-million loan was advertised abroad [as being authorized by the United States Government?—A. That I do not know; I was not abroad at that time.

By Mr. PHILLIPS:

Q. In relation to the laying of this pavement in front of the President's House, how is it that these acute angles, formed by the cracked stone, are brought down to a level surface—by what process?—A. The process is to take the gravel and sand mixed for the upper stratum.

Q. Is it not by rolling the stones?—A. That is partially so, of course.

Q. Does not the rolling of these cracked or broken stones have the effect of reducing the angles, and producing a perfectly level bed?—A. Not necessarily so; it would not fill up the interstices.

Q. Do you not know that the street in front of the President's House was rolled by a very heavy roller, weighing several tons?—A. I saw the roller there, and I take it for granted that it was.

Q. You speak of the taxes not having been collected in the spring; do you not know that the people of Washington paid their taxes in November of the previous year, and that if they had been called upon to pay their taxes under the territorial government in the spring they would have been paying them twice within six months?—A. I do not know that fact at all; I know that the legislature failed to collect the taxes in the ordinary time.

Q. Do you not know that it was impossible to make out the tax-book of the city of Washington in order to collect the taxes by that time?—A. I do not know anything of the kind.

Q. You have no information on the subject?—A. My information is, that there was not the least difficulty in making out the books and in collecting the taxes at the usual period.

Q. What are the sources of your information which authorize you to state that they could have made out the books?—A. Because it has been the constant practice of the municipality for years and years.

Q. Do you not know that the taxes of Washington are always collected in September, October, and November?—A. I do not know anything of the kind. I say that the tax-bill was not passed for the collection of taxes at the usual period.

Q. Did not the people pay their taxes just one year subsequently to the time they had paid them before?—A. I think not; but you can correct me about that very readily by the record.

Mr. PHILLIPS. It is a fact that they did.

WITNESS. Then I am in error if they did.

By Mr. ELDRIDGE:

Q. Do you know the several members of the board of public works?—A. I know Governor Cooke—he is an old acquaintance of mine—and I know Mr. Shepherd.

Q. Do you know Colonel Magruder?—A. I do not.

Q. Do you know anything of their experience in the way of doing such work as they are doing?—A. I do not. I should judge that their experience for such work as that was limited.

By Mr. ROOSEVELT:

Q. Do you know that they went to New York to obtain information?—A. Only by report. I understood that they went to New York, and that they collected the forms from Tammany. That I don't know myself personally.

By Mr. CHIPMAN:

Q. I have a memorandum handed to me showing that seven members of the lower house of the legislature were born in this District; do you know whether that is true or not?—A. I do not.

Q. And that all the others have been here for periods varying from six to twenty years; do you know whether that is true or not?—A. I do not. I did not speak of the members of

the legislature, I spoke of their proceedings being disgraceful. I do not know anything about the individuals. I spoke of the proceedings; they speak for themselves.

By Mr. PHILLIPS:

Q. Do you not know that half of the City Hall, where the late city government had its offices, is occupied by the courts and their officers?—A. It always has been.

Q. Do you know how many rooms in the west wing of the City Hall were used by the old city government?—A. No, sir.

Q. Do you not know that there were not more than seven or eight?—A. I told you I did not know how many, and, consequently, I cannot say whether there were seven or eight.

Q. You spoke a moment ago about the City Hall furnishing ample accommodations, and I want to know to what extent your information goes?—A. The building belongs to the city. They have given the courts very excessive room.

Q. Has not the old common-council room been occupied for the last twenty years as a criminal-court room?—A. I suppose so.

Q. And has not the alderman's room up stairs been occupied as the orphans' court?—A. That I do not know.

Mr. PHILLIPS. Your information is limited.

WITNESS. It is. I have never examined them. But I do not see why you make that impertinent remark.

Mr. PHILLIPS. I beg pardon; I did not intend it in that sense.

Adjourned till to-morrow, 5th March.

WASHINGTON, D. C., March 5, 1872.

The examination of Mr. MAGRUDER was resumed.

By Mr. COOMBS:

Question. I think you stated that you act as treasurer of the board of public works, and that you expect a salary.—Answer. Yes, sir.

Q. Do you regard that as a distinct office from membership of the board?—A. I do.

Q. By what law?—A. As I stated the other day, by the law of necessity. In other words, it is utterly impossible for any corporation to carry on its business without the proper agents to do it. The organic law makes the board of public works disbursing agents of appropriations made by the United States and by the District government, and to disburse this money they must have the proper officers.

Q. How many other officers are there?—A. I cannot speak from recollection; a large number.

Q. They were all created by the same law of necessity?—A. Yes, sir.

Q. Was not the legislative assembly in session about the time the board was created?—A. No, sir.

Q. How long before?—A. These offices were created in advance of the meeting of the legislature. The legislature met in May.

Q. Was there any application to the legislature to create these offices?—A. I think not.

Q. Would not that have been the natural course?—A. That is a matter of opinion. We did not think so.

Q. Do you understand that the board of public works possesses any legislative powers?—A. No, sir.

Q. Do you understand that the creating of offices, prescribing duties of officers, and fixing their salaries, &c., is an exercise of legislative power?—A. No, I do not; the officers of the United States government, when they are given a charge to carry on a work employ men to do it.

Q. In any of the Executive Departments, do they employ clerks until power is given?—A. I do not know; I am not conversant enough with the practice in the Departments to know.

Q. Are the incumbents of offices under the board of public works sworn into their offices?—A. I think not.

Q. You are familiar with the organic act?—A. Somewhat so.

Q. Under what law is the board of public works making a vast number of contracts, the list of which is sent in?—A. First, under the appropriation of \$500,000, made by the legislature for the purpose before the four-million loan bill became a law, and afterward under the act commonly known as the four-million loan bill.

Q. Does not that law which makes this appropriation of four millions limit the board of public works to the amount of money appropriated, in conformity with the plan of improvements submitted to the legislature by the board in June, 1871?—A. Not entirely.

[The act was then read.]

Q. That you understand as giving you authority to deviate somewhat from that plan?—A. Yes, sir.

Q. I call your attention to this part: "That in no case shall the board of public works enter into any contract," &c. That you regard as binding?—A. Yes, sir.

Q. Then the board of public works has no power under this act to make any contract for any job of work that will cost more than the estimate in the general plan.—A. I think it is not intended to limit the character of work in all details as to locality.

Q. You suppose when there is a plan, and it is estimated for by varying the quality or kind of work, you can go beyond the amount estimated?—A. Of course. If we have put down in the plan to gravel a street, and we find it necessary to lay a wooden pavement, we cannot do that at the same price that we could gravel the street.

Q. What is the aggregate of the estimate in the general plan?—A. About \$6,000,000.

Q. Is it not eight?—A. No; we have submitted a plan which makes about six millions.

Q. You take off one-third?—A. No; we ask for four millions.

Q. Do you understand that by varying the work, changing from concrete to wood pavement, &c., you are authorized to make contracts amounting to ten millions?—A. No, sir.

Q. Where is the limit?—A. We have not made contracts to that amount. We may put more on one place and less on another.

Q. What was the estimate in your general plan for the Seventh-street work?—A. Twenty-five thousand dollars, I think.

Q. How much will that work cost when completed?—A. I suppose something over \$100,000.

Q. Do you suppose that the act of the legislative assembly gave you power to expend over \$100,000?—A. I do, or we should not have done it.

Q. Where do you find in that general plan any estimate at all for the Missouri avenue sewer?—A. I do not think we have made any estimate for that.

Q. Where was the authority?—A. The authority was the necessity. We determined to fill the canal up, and we must provide for drainage.

Q. What law gave you the authority to fill up the canal?—A. The first act of Congress, creating the commission, and the deficiency bill of last spring. The first is an act passed on the 15th of July, 1870, I think. The fifth section of the act contains the authority. Then, in the deficiency bill of the first session of this Congress, there is a provision turning over all the powers of the commission to the board of public works. We arched the canal to a certain extent, and carry the balance of the drainage through a sewer alongside the canal. Our intention is to do away with the canal as a canal, and make a sewer of it.

Q. Are you making a sewer of it?—A. We are; we claim this authority under section 5 of that act. Then, in the deficiency act, passed last spring, at the first session of this Congress, the powers given to the commission were turned over to the board of public works.

Q. As a matter of fact have the board of public works filled up the canal?—A. Yes, sir, a portion of it; and we propose to go on and fill up the balance, unless we are prevented, up as far as Fourteenth street, at any rate.

Q. And you find your only authority under this fifth section?—A. That is the authority that we claim.

Q. What law has made any appropriation for the work that the board has been doing on F street, and on the cross-streets?—A. Under the four-million loan law we claim the authority, and under the first appropriation of \$500,000.

Q. Was any of that work on F street estimated in the general plan that was submitted to the legislature?—A. I do not recollect. I think there was an estimate for F street, and probably for the others.

[On looking at the plan witness read the estimate for F street as \$9,048.]

Q. Are these estimates for anything but paving? I find an estimate for paving F street, \$1,370; and then cobble-stone pavement, \$630; and then for paving G street. Was all that estimated for?—A. Yes, sir.

Q. Was the cutting down of these streets estimated for in that general plan?—A. I do not think it was.

Q. How much has the cutting down of these streets in that part of the city cost?—A. I do not recollect; you have a statement, I think, from the board of public works. That is right, I presume; it is made by the engineer and certified to.

By Mr. CRANE:

Q. Did the act of the councils, appropriating \$100,000 for the canal, appropriate any part of that except for cleaning it out?—A. I do not know; I never read the act.

Q. In your letter of the 16th of October, you say the engineer of the board submitted a statement, announcing the work on the canal a failure, and that the board ordered the work stopped, and nothing more was done except to fix up a few temporary matters?—A. Yes, sir.

Q. Was not the work continued?—A. I do not recollect.

Q. Do you appoint the superintendent over the work?—A. We had engineers there who superintended the work. I understand the contractors were doing the work in a better manner

than the contracts called for, as made before we took charge of it. But it was not a very substantial job, and probably would not stand.

Q. Did any one call your attention to the work during the summer, stating that the work was being done improperly, and request that the work be stopped?—A. Not that I recollect.

Q. Did not you state to Mr. Severson that it was being done right?—A. I said it was being done according to contract. I did not have much conversation with him.

Q. Does not the act of Congress limit the expenditure?—A. The law states it.

Q. How much have you expended?—A. I do not recollect.

Q. Does not the act of Congress prohibit the dredging of the James Creek Canal, unless there was a surplus?—A. I think not.

Q. In sending in an abstract of the contracts, I notice some very important ones are left out. Why did not you send them in full?—A. I do not know anything about that; I think we have sent copies of the contracts.

By Mr. COOMBS:

Q. I think there are some important paragraphs left out in the contract with John A. Temyer, as printed in the newspapers?

[The acting chairman, Mr. Eldridge, suggested that the contract as printed in the newspapers should not be relied upon.]

A. The copy we sent was correct; if not it was a mere inadvertence in copying.

[A copy of the contract as sent in by the board was then read.]

Answer continued. There are no omissions in that, I think. There were two contracts that the work was done under; one for narrowing, and one for dredging the canal, I think that is the original contract, and I think they are fair and true copies, made at the time they purport to have been made. Whether the specifications were sent in in full or not I do know. We ordered two copies to be made out and sent.

By Mr. CRANE:

Q. Have you dredged the canal to the depth required by the contracts?—A. We have where it is dredged.

Q. Do you pay out money before you know what amount of work is done?—A. We pay on certificates of our engineers; and we have been very particular to ascertain the amount of work done from the certificates of the engineers before any money is paid out.

Q. Does the organic act require the contracts to be in writing?—A. I don't know. I don't recollect that it does.

Q. Are your contracts in writing?—A. Yes, except the mere form of the contract; all the work is specified in writing.

Q. Do you know how many contracts you have let out?—A. I don't know exactly. You have documents to show it here. Whatever you have in the reports we have made is true.

Q. In your estimate you put the cost of arching the Tiber at \$60 a foot; but we find the contract price to be \$102 50?—A. We have not got through with the Tiber yet; as we go up, the size decreases very materially.

Q. How small will it be at the upper end?—A. There will be a nine-foot sewer, probably.

Q. Do you know the size of the arch at K street?—A. I do not.

Q. Is it not as large as the arch at the Botanical Gardens?—A. I suppose it is, about.

Q. How are you going to bring all the water through a nine-foot sewer?—A. Very easily; it is a matter of scientific calculation how much water can be carried through a sewer of any particular size.

Q. Did the board of public works issue an order in December for the clearing of gutters?—A. They did.

Q. Under what law?—A. Under the law that gives them the control of the streets of the city.

Q. Have you ever attempted to execute that order?—A. I don't think we have.

Q. Has it ever been rescinded?—A. I don't think it has.

Q. Why don't you enforce it?—A. There are very many laws that are not enforced. The old laws of Maryland here are not enforced. One of those old laws is that a man shall not work in his garden on Sunday; but every one is permitted to do it if he chooses.

By Mr. ELDRIDGE:

Q. What was it that determined your board to fill up the canal?—A. It has been an intolerable nuisance for the last ten years. It has been the laughing-stock not only throughout this District, but among strangers. It affects the health of the city, I have no doubt, and I have the opinion of Dr. Joshua Riley, one of the oldest and best physicians in the city, a man of large practice and extensive observation, who says he thinks it is a source of disease, and that if we can carry the drainage through an arched sewer it will be incomparably less unhealthy than that of an open sewer. It stands to reason that a ditch exposed to the action of the atmosphere, to the heat of the sun, must, to a great extent, create disease. At one time in that section, between Willard's Hotel and the canal, there was hardly a family which was not sick; and one physician said to me he had prescribed within an hour there 300 grains of quinine. No gentleman can pass by one of the man-holes of the

sewers without perceiving the noxious gases arising. When they are distributed over a large surface, as in the canal, they are not so much observed; but they are not the less present. Professor Henry is another gentleman who says the canal should be filled up. General Babcock, an experienced engineer, and a graduate of West Point, thinks so, too. Numerous other gentlemen, who are competent, have expressed the same opinion. It has been a subject of conversation for years. Mr. Dawes made a speech in the House in which he denounced it as an intolerable nuisance; and last spring, when we were asking for an appropriation for the park, Mr. Dawes said he would not consent to make any appropriation for a public park while that canal was there.

Q. Did the board of public works have meetings on the subject of dredging or filling up the canal, previous to their determining as to what they would do?—A. Yes, sir, they did; they talked the thing over and over again.

Q. What were the considerations that finally determined them to fill the canal up instead of leaving it open and dredging it?—A. The idea was that by filling it up the value of the property all along that section where the canal is would be much increased, and the health of the city be very much benefited, and disease prevented.

Q. Did you take into consideration the expense of both plans?—A. Yes, sir; we thought it more costly to keep it open than to fill it up. Almost as fast as it is dredged it will fill up again by the drainage of the city, and the sand and the *débris* of the city wash right into the canal; so that as fast as it was dredged it would be filled up again.

Q. Could not the canal be kept open as easily as Missouri-avenue sewer?—A. No, sir; the tide alone does not run fast enough to wash it out.

Q. But suppose you have gates and confine the water and then let it out suddenly into the canal; could you not wash out the canal as easily as the Missouri-avenue sewer?—A. I don't know how it is to be done as long as the water in the river is on a level with the water in the canal.

Q. But suppose you confine the water in the canal at high tide by a gate at the end, and wait till the tide falls in the river, and then open it, would not that flush out the canal as well as you can flush the Missouri-avenue sewer by the same means?—A. Perhaps it would; but we have rains here often which clean these sewers out perfectly. Another thing: when we have the 36-inch main here, we could turn the water from that, at night, into any one of the sewers and clean it out; that could not be done with the canal.

Q. Did you have a meeting with certain scientific gentlemen, among the rest General Meigs, General Humphreys, Captain Patterson, and Dr. J. C. Hall, and others, previous to determining what you would do with the canal?—A. We had a meeting, but that particular subject was not specially discussed. I did discuss that question with General Meigs, who thought the canal should be kept open as a means of commerce; that it should be kept open to carry coal to the navy-yard, and have a depot there from which to ship the coal. I did not agree with him. In matters of practice of that kind, a little practical experience is worth as much as science. When the canal was in operation here it took me three days to get a load of coal.

Q. These gentlemen are all gentlemen of scientific learning, are they not?—A. I believe so. Most of them at least.

Q. At the time this consultation was being held, did not your board of public works come to the conclusion, and express themselves to that effect, or some one of them at least, as agreeing with these ideas of General Meigs?—A. I have no recollection of it. I recollect showing General Meigs that it was better not to do as he recommended, and I have combated his idea all the time.

Q. How soon after this meeting did you determine to fill up the canal?—A. Not till some time after that.

Q. In the mean time did your board of public works consult any gentlemen of science and learning on that subject?—A. Not formally.

Q. Did you take the advice of any scientific men on that subject?—A. We did; the advice of Professor Henry and General Babcock.

Q. Did you have a formal meeting with these gentlemen on that subject?—A. No, sir; we never had a formal meeting, on the subject of the canal particularly, with anybody. There was a general discussion, at the meeting of which you speak, in relation to grades, drainage, sewerage, the canal, and all other subjects of which we had charge.

Q. Do you know whether Governor Cooke did not at that time express himself as convinced, and so stated that the arguments in favor of keeping the canal open amounted to a demonstration?—A. I didn't hear him say anything of the kind, and was much surprised to find that such testimony as that had been offered here.

Q. Were the board of public works unanimous on the subject of filling up the canal?—A. Yes, sir; we all agreed. There was a great deal of discussion, and the board did not come to that conclusion in a hurry. Mr. Mullet and myself were in favor of it at the first. I think General Michler was in favor of it.

By Mr. ROOSEVELT:

Q. I see you keep deposits in the First National Bank. Was any interest allowed?—A. No, sir.

Q. Do you know how the loan was advertised? Was it advertised first as a loan by the United States Government?—A. I don't think it was. I think the impression in regard to that grew out of the fact that the bonds read "Bonds of the District of Columbia, the seat of Government of the United States." I don't know anything about the advertising. I never saw the advertisements at all.

Q. Do you know what would be the cost of completing the work that has been commenced?—A. I think we have sent an estimate here. I don't remember what it is. I think the cost of the work as far as we have given it out would amount to about \$2,000,000. I don't think the work will cost over \$2,500,000.

Q. Is all the work that has been estimated in progress?—A. No, sir.

Q. That which has been sent in to us is progressing, is it not?—A. I do not know.

Q. Do you know the cost of macadamizing?—A. That depends upon the depth you put on. A depth of 12 inches, with proper stones, can be done and afford a small profit at \$1 50 per square yard.

Q. Have you calculated what that would come to in the running mile?—A. I have not.

Q. There was testimony given to show that the work could be done for \$1,700 or \$1,800 a mile?—A. That would depend entirely how thick the stone was put on.

By Mr. CREBS:

Q. You stated that you had no formal meeting of the board in regard to what you should do about the canal?—A. Not with those gentlemen named.

Q. Colonel Philp said that he had addressed a note to you and by agreement had met you and discussed the subject?—A. Yes, sir; there was an agreement perhaps with Dr. Hall and a number of other gentlemen early in the summer; and we had a general discussion about the improvements in the District, of roads, sewers, the grades, and the canal.

Q. Are you sure about that? He states that you discussed that one subject of the canal.—A. I do not know what his purpose was in getting up the meeting; but many subjects were discussed, the canal among the rest, the sewerage and pavements; and I know we had a long discussion about the best kind of pavement.

Q. How long after that meeting was it before you changed the plan and went on filling up the canal?—A. It was two or three months or more.

Q. You have an advisory board?—A. Yes, sir.

Q. Did you consult with them in regard to filling it up?—A. Not formally.

Q. State the members of that board.—A. General Meigs, General Humphreys, General Babcock, and Mr. Olmstead, of New York, and General Barnes, Surgeon General of the United States. We have appointed meetings for these gentlemen several times, but we never got a majority of them together after the first meeting.

Q. With whom did you advise informally on the subject?—A. General Babcock. I had conversations with General Meigs, but he did not agree with me.

Q. Were there others with whom you discussed the subject?—A. I don't remember.

Q. You stated that Professor Henry says it should be filled up?—A. Yes, sir.

Q. I see by testimony that we have here that it appears he wrote a letter to Senator Hamlin that he was in favor of opening the canal and having sewers alongside of it?—A. I have more recent information, and I am satisfied that he is in favor of filling it up.

By Mr. ROOSEVELT:

Q. Was the loan negotiated abroad by Jay Cooke & Co.?—A. I think not. I think it was by Seligman & Brothers.

Q. That is a German house: are they not in Company with Jay Cooke?—A. I think not. I have not had anything to do with the loan. We drew warrants on the comptroller of the District. The comptroller would be the proper authority on that subject. I do think it was the advertisement that helped to sell the loan. I think it was well to put on the bonds "Capital of the United States of America." I don't think it was that which sold the bonds. I think the bonds were sold by the advertisements and the election.

[The following is a copy of a portion of the advertisements of the District loan published in Europe by Seligman & Bros:

LOAN
of 4,000,000 dollars
of the
City of Washington,
(Capital of the United States of America,)
and of the
District of Columbia,

authorized by act of Congress of the United States the 21st of February, 1871, and confirmed by the vote of the people the 24th day of November of the same year. Interest at six per cent., payable in gold, free from all Government taxes, the 1st of January and the 1st of July of each year. The redemption of the loan will be effected by purchases made by a commission nominated by the governor of the District of Columbia.

Then followed a description of the loan, the manner of interest payments, redemption, &c.]

By Mr. CREBS :

Q. Is it your opinion they sold well on account of the advertisements and the election?—
A. Yes, sir.

Q. What was the necessity of calling a second election here?—A. It was because the gentlemen who got out this injunction were trying to prevent the District government from contracting another debt without the vote of the people. If this injunction had been sustained, the first four-million loan bill would have been null and void. It became necessary to give three months' notice before the election. The time for the election was fixed; and then we had to hold the election this year, at any rate, because the time of the delegates to the house of delegates expired. We therefore submitted the loan bill to the people for ratification at the same time.

Q. Why didn't you submit the first loan?—A. The law did not require that. We contended that the debt of Washington and the debt of Georgetown were distinct; they were not debts of the District government, but of the separate corporations and to be provided for by them. Those who differed from us thought it was part of the debt of the government of the District of Columbia. We did not know what the opinion of the court would be; hence the necessity of passing the new bill to go before the people. If we want any more money we shall come to Congress for authority to give it to us. The court in this case sustained our views. It was tried, argued, and decided in our favor.

Q. Was there a petition for the pavement around Lafayette Square?—A. Yes, sir; signed by Mr. Corcoran, Mr. Kennedy, and, I think, Mr. Riggs, and other gentlemen asking us to let the pavement on the east side of Lafayette Square, if we could do it, at \$3 50 per square yard. They sent us a proposition from Mr. John O. Evans to do it for \$3 50 per yard. We contracted for it at \$3 20 a yard.

By Mr. PHILLIPS :

Q. Was there any other cause for filling up the canal than the creation of a sand-bar near the entrance of the river on Fourteenth street?—A. There is no sort of question about the canal being perfectly useless for commerce, because the bars are constantly filling in at the mouth of the canal. Every freshet in the river throws the sand and dirt right at the mouth of the canal.

Q. Did very high tides wash sand there?—A. Of course they did.

Q. How long has the canal been utterly useless for purposes of navigation?—A. I think for the last ten years, at least, it has been of no account whatever.

Q. In regard to this four-million loan, how much has been expended?—A. One million dollars.

Q. Is that all?—A. That is all of the four-million loan. You may say \$1,500,000, because we got \$500,000 before the loan, as the governor was authorized to anticipate the revenue, and raised \$500,000. Afterward the legislature passed a law to reimburse that \$500,000 out of the four-million loan.

Q. Is the balance of that loan to the credit of the government at this time?—A. Yes, sir; for all that bonds have been issued.

Q. Can you tell approximately the debt of the District of Columbia?—A. I think about \$7,900,000 odd, within a fraction of \$8,000,000, including the old debt.

Q. What is the estimated value of the property of the District of Columbia?—A. Probably a little over \$90,000,000.

Q. What of the private property of the District of Columbia?—A. The property of the corporation is about \$1,000,000.

Q. What is the assessment upon the personal property?—A. I don't remember.

Q. Something was said here the other day about the board being engaged at night and sending out for refreshments; who paid for them?—A. We never had any entertainments. We worked sometimes till 9 and 10 o'clock, and sometimes later; and the young men who are our clerks had only brought their little lunch with them; and Mr. Shepherd, Mr. Brown, and myself got them some refreshments, and paid for them. We did not take any public money for that.

By Mr. CHIPMAN :

Q. Has this investigation imposed additional labor upon the board?—A. A great deal.

Q. Is the proposed work of the board suspended now, pending this investigation?—A. Yes, sir; we do not propose to go on till this is over, excepting some trifling things.

By Mr. ROOSEVELT :

Q. There were some claims of the Freedmen's Savings Bank on the Morrison building; do you know that they were paid?—A. Yes, sir; they were paid after the District government commenced collecting taxes.

Q. Do you know how long they were discounted?—A. I do not know. I think a party went up and got \$19,000 and distributed it among the people who had bills for work done on the building. The board had nothing to do with the Morrison building. The governor selected a gentleman by the name of Searle, an architect here, to fit up that building for the District offices. Searle made an estimate of the cost, and stated it to be, covering all bills,

\$48,000 and some hundreds over. Subsequently he sent in bills, certified to, amounting to \$84,000. The governor sent for us and was much incensed, saying he had been cruelly deceived, and asked us to take the bills and see if we could make some fair and equitable adjustment. Mr. Shepherd, Mr. Mullett, and myself selected Mr. Cluss, who is an architect here and well known, and a Mr. Rankin, the assistant architect of the Treasury Department, who examined the building, made measurements, &c., and reported to us. They reduced these bills from \$84,000 to about \$57,000. Nearly all the parties interested came forward and accepted their portion and gave receipts.

Q. How much is outstanding?—A. About \$10,000.

Q. Have you a list of these claimants?—A. Yes, sir; and have furnished it to your committee.

Q. When was that money refunded to the bank; was it within a week?—A. No, not within a month; we have nothing to do with the matter in the comptroller's office; Mr. Mullett, Mr. Shepherd, and myself took up the subject to get the bills down to a fair price: we did not propose to pay two prices.

Q. How many bills were there?—A. I suppose more than twenty.

Q. Were any found correct?—A. Yes, sir; two or three.

Q. Was the furniture bill cut down?—A. Yes, sir; four or five hundred dollars.

Q. Who had furniture bills besides McKnight?—A. I think a Mr. Wight.

Q. How much?—A. About one thousand dollars.

Q. How much was that cut down?—A. Very little.

Q. On what bills were the biggest deductions made?—A. On Naylor's bill, which amounted to something over \$24,000; I think they reduced it to a little over \$15,000.

Q. He took that and gave a receipt?—A. No; we left it to an arbitration, and the arbitrators brought in about \$400 more than we had allowed.

Q. How is the engineering business of the city carried on; have you an engineer?—A. Yes, sir; the chief engineer is Mr. Mullett.

Q. Do you pay him a salary?—A. No, sir; not a cent.

Q. Who has charge of the work?—A. Forsyth, Oertley, and Mr. Barney.

Q. Have you a superintendent of sewers also?—A. Yes, sir.

Q. Are they put down under the direction of the engineer?—A. Yes, sir; and we prefer a brick-mason to superintend the mere mechanical work on the sewers.

Q. You had Mr. Green employed as engineer?—A. Yes, sir.

Q. Is he the engineer now?—A. No, sir; we have employed him to get up a plan of general sewerage in the District, and we are carrying out his plan.

Q. Why was he discharged?—A. The old gentleman's ideas of the grades did not correspond to ours; he wanted all the four corners at the crossings on the same level, and he did not stand to consider the expense in order to secure that.

Q. You differed on the subject of grades, and not on sewerage?—A. No, sir; we would have been glad, happy, to have him make a plan of sewerage; he has been employed in that business in New York for many years, and we think his ideas are capital on that subject.

Q. Whatever sewerage you have will be his?—A. Yes, sir; unless we think his plans are wrong.

By Mr. COOMBS:

Q. I wish to have Mr. Magruder explain this document—what the figures on the last column represent?—A. They represent the amount of the contracts for the work done; but there are many items where you could only make an approximate estimate.

By Mr. DARRELL:

Q. Do you give your advertisements to all the papers?—A. We advertise very little; our bills will not amount to much; we advertised in the Sunday papers; we had nothing to do with getting out that large amount of printing.

By Mr. CRANE:

Q. You said that the contractors for the concrete gave security that they would keep the work in repair for three years?—A. They did.

Q. Do you know who is on the bond of Evans and Clephane?—A. I don't know; their own bond is good enough for any amount they contracted for.

Q. You said that Mr. Green is still in your employ; his name does not appear here in the list.—A. He is employed to do a certain job.

WASHINGTON, D. C., March 7, 1872.

N. H. MILLER duly sworn and examined.

By Mr. GREEN:

Question. Please state your name and occupation.—Answer. N. H. Miller. I am publisher of the Daily Washington Anzeiger.

Q. Have you your account for printing for the District government and for the board of public works?—A. I have.

Q. Please state it.—A. I will state there may be some few items which I have not got. There were some advertisements done for the board of public works prior to the time that I went into the paper, on the 2d of October.

Q. From whom can we get those advertisements?—A. I think I can give all within less than \$100. They were for small amounts, and no record was kept of them.

Q. Was any deduction made upon the amount of your original bill?—A. We rendered an account at one time to the secretary of the District, Mr. Stanton, for our regular charges, amounting to \$9,500. He criticised the charges, thinking they were too high, and thought we ought to deduct \$3,000. I agreed to take \$6,500 for that account.

Q. Was that the whole?—A. No, sir.

By Mr. ELDRIDGE:

Q. What do you include in your account?—A. Advertising the act fixing the time for holding the general election of the District of Columbia; the act authorizing the District of Columbia to create a debt for special improvements and repairs in the District, and for issuing \$4,000,000 bonds and laying a tax for the payment thereof, &c.; then advertisements for levying a tax for the payment of the interest as it annually accrues on the \$4,000,000 bonds; also an act to authorize subscription for stock in the Piedmont and Potomac Railroad Company; also the proclamation of the governor, giving notice of the general election, designating the precincts and names of the superintendents of election in twenty-two districts.

By Mr. GREEN:

Q. How much of the bill has been paid?—A. I have received for all \$7,789 50.

By Mr. ELDRIDGE:

Q. Please make up your total account; put it together, and give us the aggregate.—A. The whole amount is \$9,647 50.

By Mr. PHILLIPS:

Q. In what language is your paper printed?—A. German.

Q. Are there many Germans in this city?—A. There are near 15,000.

Q. What means have many of them of knowing what is transpiring except through your paper?—A. Very little; many cannot read anything but the German language.

By Mr. HARMER:

Q. Are many of them property-owners?—A. I think one-third, at least, of the taxes are paid by the Germans.

By Mr. ELDRIDGE:

Q. What are the politics of your paper?—A. Republican.

Q. Were you connected with the paper at the time of the change in the government?—A. No, sir. I was somewhat interested in the paper prior to that time, however.

Q. Did this paper, previous to the organization of the new government, advocate the change?—A. Yes; it always did.

Q. Has the sentiment of that paper with reference to city affairs changed?—A. Not in the least.

Q. Not at any time?—A. No, sir; not at any time.

Q. Have you advocated the system of improvements adopted by the board of public works?—A. Yes, sir; always.

Q. How often is your paper issued?—A. Every day except Sunday.

Q. Were the advertisements inserted every day?—A. Yes, sir.

Q. At what rates?—A. The regular rate, at \$1 a square.

Q. Have you charged anything for translations?—A. We have no additional charge, although it made us considerable expense.

Q. Is that the same rate which you charge individuals?—A. Yes, sir; unless there is a special contract; we sometimes vary a little as the paper is a new one. We try to get what we can.

Q. Do you think that a reasonable charge?—A. I do; and less than the English papers charge.

By Mr. CRANE:

Q. Are you the editor?—A. I am the responsible editor.

Q. Have you any other occupation?—A. Yes, sir; I am a lawyer; I am assistant district attorney for the District.

By Mr. HARMER:

Q. By whom were you appointed?—A. By Governor Cooke. I have been appointed about five months. This office was created during the last session of the legislature.

By Mr. ELDRIDGE :

Q. How did these advertisements come to your paper ?—A. They were sent there through the different heads of bureaus.

Q. Who sent them ?—A. They came by the direction of the governor.

Q. Did you apply to the governor ?—A. Prior to my connection with the paper I was interested for it, and I applied to the governor in behalf of the paper. This being the only German daily here, I thought we should have some portion of the advertising ; and the governor said he thought we were entitled to it.

Q. Were you requested or required to advocate any particular measures ?—A. No, sir ; not at any time. I don't think there was ever a word spoken on the subject.

Q. Your disposition in that direction was pretty well known, I suppose ?—A. Yes, sir ; it has been for years. I have always been in favor of improvements and progressive measures, and have taken an active part in that direction.

By Mr. CREBS :

Q. These other bills of yours, that have not been paid, are equally as just as those which have been paid ?—A. Yes, sir.

Q. You expect to be paid for them ?—A. Yes, sir ; I claim the indebtedness.

By Mr. PHILLIPS :

Q. Have you been influenced in your political course at all by these advertisements ?—A. No, sir ; on the contrary, if any money could have been made I think I could have made it on the other side, for my partner was approached by a gentleman in the interest of the opposition, who offered to buy out our paper and buy its tone against the District government ; and he said \$20,000 had been deposited to purchase it.

By Mr. ELDRIDGE :

Q. Who made this application ?—A. Captain Albert Grant.

Q. When was this application made to you ?—A. In the early part of October. It was made to my partner, and two or three appointments were made for the purpose of getting information about it.

WASHINGTON, D. C., *March 7, 1872.*

W. W. MOORE was duly sworn and examined.

By Mr. GREEN :

Question. State your name and residence.—Answer. William W. Moore ; I reside in Washington.

Q. How long have you resided here ?—A. About forty-three years.

Q. Have you been for a length of time familiar with the business of the District ?—A. I have, to some extent.

Q. Have you been a member of the councils ?—A. For many years ; since 1856, except one year.

Q. Are you connected with the present District government ?—A. I am a member of the house of delegates.

Q. Please state, generally, what you know in regard to the expenses and management of the District government and the board of public works since they have been created.—A. I have made a review of papers committed to me on the one side and on the other, and have made up a compend, which I will read, if it pleases the committee. The papers I have examined are true, as I can establish by the records made officially.

[After some consideration of the admission of the proposed testimony in the form in which it was prepared, the witness was directed to proceed.]

Statement B is not correct, which professes to give the amount paid ; and it says nothing of bills unpaid. The omission in reference to the statement of the amount paid to the National Republican is \$6,893 33, for advertising the loan and Piedmont acts.

By Mr. ELDRIDGE :

Q. Do you mean and expect to show a state of facts different from that stated by the representatives of the papers themselves ?—A. No, sir. The next item is marked M, from Wm. S. Huntington of the First National Bank ; I think the balance of the ten years' fund is not given correctly. The balance given for December was \$125,644 58. That balance is nearly the same as that given in April, there being a difference of only \$158. But the assessments for the present year have added, down to the 17th of February, the sum of \$40,191.

Q. Do you know this was deposited with the First National Bank ?—A. That is the depository under the law.

Q. Could not they be paid out without being deposited there ?—A. No, sir ; the payments are made by warrant on the treasurer. My authority for the amount is taken from the collector's statement as published in the Chronicle.

Q. I would like to have you point out in what item you think Mr. Huntington is in error?—A. I inferred that something was wrong from the fact that the large amount of money collected does not show as deposited there.

Q. But that is an inference; you are a witness and we want testimony?—A. I know the amount deposited and the amount that ought to be left. There has been some irregularity in that fund from the time it was first stated; it is largely deficient. I say there is nearly as much to the credit of that fund in April as in December, within \$158. There was a semi-annual interest due on the 1st of July requiring \$13,500.

By Mr. ROOSEVELT:

Q. Is this a sort of sinking fund?—A. Yes, sir.

Q. What is the amount of the taxes?—A. If all paid in they would amount to \$62,000. Of course the largest portion is collected, because we make an abatement to induce people to be prompt in paying.

By the CHAIRMAN:

Q. You don't know how much of that is collected?—A. The collector stated that \$40,191 had been collected. It is evident there has been a mistake in this bond account. The assessments for it for three years, 1868, 1869 and 1870, if collected, would have yielded \$228,400. The amount credited to the fund for those years is \$176,886, showing a deficiency of \$51,514, which is equal to a delinquency in payment on this account of 29½ per cent. This commenced under the old corporation.

Q. How much of this originated in the old government?—A. The whole deficiency is \$50,000, of which \$30,000 belongs to the old government, and \$20,000 to the new.

By Mr. CHIPMAN:

Q. These are conclusions at which you arrived, supposing certain facts to be true, and to which you cannot swear?—A. I can swear to the assessments and the accounts published by the council.

By Mr. PHILLIPS:

Q. Were not the funds collected for the ten-year bonds deposited to the general credit of the corporation or District; and didn't the mayor check against them indiscriminately?—A. That has been done. The law of Congress as well as the law of the corporation makes the sinking fund a special fund for the redemption of the bonds.

By Mr. CHIPMAN:

Q. Is it a matter of fact that was done?—A. I suppose so. The bank, as Mr. Huntington says, had no check overdrawn against the fund or paid.

By Mr. PHILLIPS:

Q. Has not the money collected for the new government been deposited at the Metropolitan Bank?—A. I suppose so. But if it has it would not interfere with the account which I am questioning. The First National Bank could not send in a statement of the balance of that fund unless it had possession of it.

Q. What law makes that bank the only depository of these funds?—A. The law of the corporation.

Q. To the exclusion of all other banks?—A. I think so. The law requires one bank to be the depository.

By the CHAIRMAN:

Q. I think you will find that a part has been deposited in each, and that it is perfectly legitimate.—A. The next matter is Paper C, "Salaries of officers," which professes to give a statement of the salaries of officers for one year. The statement of the governor of the amounts paid to the executive department is \$62,900; the interior department, \$472,520; the legislative department, \$20,597. In his statement as given by the governor there are not included the salaries of the governor, secretary, and the board of public works, paid by the General Government, \$19,000; officers appointed by the board of health, \$16,900; by the board of public works, \$41,500; nor the additional list in detail of draughtsmen, levelers, clerks, superintendents, rodmen, axmen, &c., employed by the board of public works, which was laid before the committee on the 26th of February, whose compensation for the per-diem officers, employed two-thirds of the year, cannot be less than \$67,000; and there should be added for deficiency, in stating the expense of the legislative assembly, according to appropriations made, \$8,559.

By Mr. ELDRIDGE:

Q. Do you know whether that has been paid out?—A. No, sir; the governor has made a statement, and I am making a comparison.

By Mr. PHILLIPS:

Q. Where did you get these statements?—A. I got them from the bills. I cannot get

anything after it has passed into the hands of the authorities; I have tried several times, and I cannot get a sight at them.

By the CHAIRMAN:

Q. Do you mean to say that the secretary has a list, and that you cannot get an opportunity to see it?—A. I have tried once or twice.

Q. It is a pretty grave charge to make against the secretary of the District, who has charge of the lists, that you cannot see them.—A. I think the secretary has charge of them. There is no reason why they should not be published, immediately after being approved, for general information. The people are bound by them, and they should be published.

By Mr. ELDRIDGE:

Q. Is there a law that requires it?—A. Yes, sir; the organic act requires it.

By the CHAIRMAN:

Q. Is it the secretary's duty to publish them?—A. Yes, sir.

By Mr. CHIPMAN:

Q. Were the laws of the first session published?—A. Yes, sir. These laws are now detained by the secretary. It may be necessary to detain them some time, in order to prepare side-notes; but that would not interfere with their being published in the newspapers, where they would be of great benefit to the people.

Q. Has the secretary refused to allow any one to look at the laws in his office?—A. I cannot say that of my own knowledge; I know one gentleman was permitted to see a copy; that is as far as I can tell about it. The governor alluded to the printing on one occasion, and he referred me to the secretary for the papers. I went to the secretary's office, and was told that the secretary did not stay at the executive office. I then went to his law office, and found a clerk, and asked to see them, and he told me they were in the hands of the secretary; but he showed me a schedule. I went to the secretary, and he referred me to the auditor. Then I went to the auditor, and he referred me to the comptroller.

By the CHAIRMAN:

Q. Have you any doubt that you could go to the secretary's office and see the list at any time when he was there? If there is any reason why a respectable gentleman, who is interested in public affairs, and a member of the legislative assembly, could not see the laws, I should be for some stringent measures. If you have any fact that will show that, I should be glad to know it.—A. No, sir; I suppose I could see them.

By Mr. CHIPMAN:

Q. Your idea is that they should publish them in the newspapers?—A. That is my idea.

Q. That would be in addition to the expenses of advertising; would it not?—A. The laws would not cost \$10 a column.

By Mr. PHILLIPS:

Q. Did you, as a member of the house of delegates, ever introduce a resolution requesting the governor to make this advertisement of the public laws?—A. I do not know that I did. I introduced two or three resolutions on the subject of printing, and they were very uncere- moniously treated. I introduced one as to the retrenchment of expenses for printing, and it received no consideration at all.

Q. Did not you introduce a resolution asking that the loan bill should be published in an additional newspaper in this District?—A. Yes, sir; and I will tell you the circumstances. There was a bill brought in directing that the laws be printed in the National Republican, the Star, and the Chronicle, three republican papers. I rose in the legislature and suggested that they ought at least to put in one on the other side in politics; that it was just to the people. I suggested the Patriot, and it was agreed to, and afterwards it was stricken out.

Q. How long a period are the appropriations made to cover?—A. Five quarters.

Q. Under the late corporation how long was it after laws were passed before they were published?—A. They were printed weekly. As fast as the mayor approved them he had them published.

Q. Was there any law authorizing that?—A. I do not know that there was any specific law.

Q. How long after the adjournment of the council was it before they were published in pamphlet form? Was it not as much as six months?—A. It ranged from three to four and six months; but in the mean time the public had possession of them, because they were published in the newspapers.

By Mr. ELDRIDGE:

Q. Were they paid for publishing them?—A. They were paid a small compensation; I think about \$600 a year. The laws of the councils extended to a greater length than those of the legislative assembly.

Q. What amount has been appropriated for advertising and publication in newspapers by

the present government?—A. I cannot say. I stated the liability of the government, according to the best estimate I could make, on the 30th of January, at \$140,000 for printing and advertising.

Q. From what data did you come to that conclusion?—A. From the official data, to which I have before referred, and all the bills of registration, &c.; and from a computation by the rule of proportion I arrived at the expense of certain advertisements, the bills for which I had not seen.

Q. Have you any reason to believe, or do you believe, from any knowledge you have, that these statements made by the several parties in behalf of these newspapers are incorrect?—A. I do not question them at all.

Q. You have no reason to suppose that they are incorrect?—A. I know they have been reduced.

Q. Do you mean to say that the officers did not allow all that was charged?—A. Yes, sir.

Q. In making your estimates, do you take the bill of Mr. Miller or any other party at the price originally presented, or as cut down?—A. I take them as cut down, so far as I know them, in all cases. The statement of expenses given is \$117,000; but I have estimated it at \$140,000.

Q. Have you seen any reason to change your estimate since it was made?—A. Yes, sir; on information that I have since received it comes up to \$130,000; and I reach a total of \$166,796 more than is contained in the statement of the governor.

Q. You would increase the grand total by that sum?—A. Yes, sir; that amount more than the governor makes it.

By the CHAIRMAN:

Q. How many officers of the board of public works do you include?—A. Two lists; not the three lists.

By Mr. ELDRIDGE:

Q. Have you included any sum which would properly go beyond a single year?—A. No, sir; I have tried to make it just one year, so as to meet the statements on the other side.

By Mr. PHILLIPS:

Q. Have you included no appropriations which would extend for five quarters?—A. None that I know of. Then there is the comparative statement as against the corporation of Washington, given by the governor, where he makes the total against the former corporation as \$438,872. Now I maintain that there should be certain deductions made from that amount. For instance, the sum of \$18,000 at least for collector of taxes. It is put down as \$33,000. The collector received no salary under the corporation of Washington, but received a percentage on collections of one per centum; out of which and other emoluments he paid his own clerks.

By Mr. ELDRIDGE:

Q. Do you know whether that sum is not stated upon the official record?—A. We had no such officers.

Q. Do you know whether the records show any such statement?—A. If we had no such officers the records cannot show any such statement. The amount paid the collector for his per centum was \$13,112 48. He had other emoluments, however; a certain commission for advertising property and other sources which yielded him a large amount. We never had an opportunity of knowing the amount until the past year. This commission on advertising property was not paid out of the public treasury; it was collected from the parties who were defendants in the process.

Q. Is not that amount shown in the public records of the city of Washington?—A. The last year it was, and perhaps the preceding year.

Q. Can you tell where the governor got this item of the expenses?—A. No, sir; He was not familiar with the affairs of the city, and I presume he found it on the records, or thereabouts.

By the CHAIRMAN:

Q. This difference of \$13,000 in salary and emoluments comes out of tax-payers, does it not?—A. It does not come out of the corporation treasury.

Q. The difference is in taking it out of the treasury and out of the individual pockets of the tax-payers before it gets there?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. Was this record given here one that was made under the act of Congress, to which you have referred?—A. It was made under an act requiring the payment of moneys of different kinds into the treasury.

By Mr. PHILLIPS:

Q. Then it was deposited to the credit of the government for the last year?—A. It was deposited in the treasury, but it came out again.

WASHINGTON, D. C., March 8, 1872.

W. W. MOORE having been recalled, made the following statement:

Before resuming my evidence, I will answer a question that was put to me yesterday, as regards the deposits in the banks, as to whether the law authorized a deposit by the District government at any other except the First National Bank. I will state that an act of Congress, public No. 34, passed in 1868, provided that when the lower board and the board of aldermen in council are assembled in joint convention, they may, by a majority vote, designate the bank in which all moneys of the city of Washington shall be deposited. In pursuance of that provision by Congress, a joint convention of the two branches of the city council assembled October 14, 1868, and adopted a resolution that all moneys of the corporation shall be deposited in the First National Bank of Washington, to be disbursed as now provided for by law. Under that law, the First National Bank became the depository of the funds. The funds had, for some time previous, been kept there as matter of fact, but this act would prohibit their deposit in any other bank. When my examination closed yesterday, I had presented an exhibit showing the aggregate salaries of the present District government as compared with that of the old corporation, and the question was asked me whether the commissions allowed to the collector under the old law should not properly be accounted as salary, and which I think, perhaps, should be done. From this exhibit it will be seen that the cost of salaries for the city of Washington, which are stated by the executive authorities at \$438,872 per year, amounted to \$363,926, including payments to the Metropolitan Police and colored schools, which, as they are regulated by acts of Congress, and their employes are appointed by authority of the General Government, cannot properly be classed as officers of the corporation, because it has no discretion as to their number, their appointment, or their compensation, though it has to pay a large proportion of the expense of the police, and the entire expense of the colored schools.

The expense for salaries proper, except members of the city legislature, school-teachers, members of the police, and employes of the fire department, as stated by Mayor Emory, on the 29th of August, 1870, (eighteen months ago,) when asking appropriations for their payment, was \$123,320; and this message having been referred to the committee on finance of the board of aldermen, of which Mr. A. R. Shepherd was a member, he submitted a report to the board, in which he assumed the amount to be correctly stated, and proposed to economize the public expenditure "by reducing the salaries of corporation officials," which he said "had reached the enormous aggregate of \$123,320." (See journal, pages 151 and 161; also, a copy of the report herewith submitted.) No reduction was made at that time or since, nor any increase that I remember, except of several clerks in the offices of auditor and comptroller, and the raising of the compensation of the seven assessors from \$300 each per year to \$600. I think that the amount then stated for the salaries of Washington was too low. If, however, it was correct, a comparison would show, as I think, that the "enormous aggregate" then paid "corporation officials" was less than the sum now paid for officers and employes of the board of public works, constituting but a single bureau of the present government.

The salaries of officers of the entire District, including legislature, police, schools, and fire department, now amount, according to the governor's showing, with my emendations, to	\$719,813 00
The cost for like purposes to the corporation of Washington, according to the governor's showing, with my corrections, was	\$363,926 00
And the cost to Georgetown, according to Statement E, submitted by the governor, was	23,698 00
And the cost to the levy court, as stated by the governor, which I have no means of verifying, was	35,380 00
Forming an aggregate of	423,004 00
And making a difference against the District government, in the item of salaries alone, of	296,809 00

It was not until I was about closing the foregoing analysis of Statement C that I looked at the paper submitted by the governor, marked E, (see page 189,) entitled, "Statement of expenditures of the late corporations of Washington, Georgetown, and levy court for various periods, ending May 31, 1871." The expenditures here given are for twenty-three months in Washington, seventeen months in Georgetown, and twenty-four months of the levy court. Why these different periods of time were selected by the author of that paper to be put in contrast with a *seven-months'* expenditure of the District government may only be imagined. Many careless readers, in examining the two papers, would fail to notice that the expenditures of the late corporations embrace a period more than three times as long as had been the existence of the District government at the date of the papers; and some readers might fail to remember, and others might not know, that the twenty-three months

given for Washington included by far the heaviest expenditures ever previously known in this city for municipal purposes, for which extravagance the head of the local administration, responsible for this expenditure, was condemned and discarded by a very large vote of the people of all parties, and his successor, being constrained to pay the debts of his predecessor by the issue of \$800,000 in certificates, (or bonds,) was also charged with extravagance, and superseded by act of Congress before the expiration of one-half of his official term, at the instance of the chief officers of the present government, who urged the abolishment of the old corporation as an absolute necessity to effect a more thorough reform and greater economy in the administration of our local affairs. The results are seen in the exhibits of the new government as presented by themselves.

The paper marked E states the salaries paid by the late corporations to have been as follows:

Washington, in twenty-three months	\$720,189 23
Georgetown, in seventeen months.....	33,573 50
Levy court, in twenty-four months	70,760 00
Making a total of	<u>824,522 72</u>

This sum looks very large, but if it be reduced to *one year*, to correspond with the time embraced in Statement C, giving the salaries of the District for *one year*, (which may easily be done by dividing the sum of \$720,189 23 given for Washington by 23,) it will be found that the cost of salaries per month was \$31,312 57. Then multiply these figures by 12, and the salaries for one year will be found to be \$375,750 84, (including the police and colored schools,) which is \$63,121 71 less than the amount of these salaries as represented in Statement C. And so in reference to Georgetown, divide \$33,573 50 by 17, and it will be found that the salaries for one month amounted to \$1,974 91; then multiply the latter sum by 12, and we learn that the salaries for one year amount to \$23,698 22, which is \$26,005 less than the amount of these salaries as represented in Statement C. The salaries assigned to the levy court agree in both statements, but the fact that they are given in round numbers indicate that they are not stated on official authority, or upon any positive knowledge as to their actual amount.

It will be seen that in this single item of salaries alleged to have been paid by Washington and Georgetown, the two statements submitted by the Governor, marked C and E, differ to the amount of \$89,126; and it will also be seen that Statement E confutes Statement C, and fully confirms my statement of the salaries paid by Washington, the difference between the compiler of that paper and myself being only \$2,136. Thus sustained I am fortified in adhering to the conclusions reached in view of Statement C, viz:

That the cost of salaries as presented by the governor, the board of health, and the board of public works, under the new government (amended as heretofore stated) amounts to	\$719,813 00
And the salaries of the late corporations, according to statement E, deducting therefrom the difference between my figures and those of the said statement (\$2,136) amount to	<u>423,004 00</u>
Showing a difference against the District government on account of salaries for <i>one year</i> of.....	<u>296,809 00</u>

Mr. COTTON suggested that the statement being made by the witness was in the nature of argument rather than testimony.

The CHAIRMAN directed witness to confine himself to a statement of facts.

By Mr. GREEN:

Q. Has your experience in the council given you an opportunity of knowing how this levy court was composed?—A. I know that it was composed of nine members. I do not know much about it otherwise.

Q. Do you know what pay or emoluments they receive?—A. The amount was very insignificant; I think \$100 each. I cannot state positively.

Q. Can you state from your own knowledge and derived from your official connection with the government approximately what was the pay and the emoluments to all the officers of the levy court for a year?—A. I forget the amount. It was very small. They had a clerk, who acted as treasurer, with a salary, I think, of \$1,200 annually. There was a surveyor, who, as I remember, received \$1,200. The members of the levy court got probably \$100 apiece, and there was a superintendent of roads, whose salary was less than \$1,000, as I recollect. The next item in the statement I have prepared makes a comparison between the expenditures of the new and the old government.

Two papers enumerating the expenditures of the government of the District have been submitted by the governor. One of these papers, marked A, (see page 193,) is an exhibit of the "expenses paid by the District of Columbia from the 1st of June to the 31st of December, 1871, inclusive," and contains the following items of expenditure:

Board of health, for disbursement	\$20,242 50
First registration and election	18,671 12
Expenses incurred prior to 1st June	2,841 26
Gas for lamps and pay of lamp-lighters	36,680 86
Garbage collectors	8,547 00
Markets, salaries and contingencies	5,356 45
Assessments, salaries and contingencies	16,193 95
House of delegates	17,427 87
Council	3,999 00
Almshouse, physicians to poor, and charities	15,762 55
Taxes erroneously paid	904 99
Salaries of permanent and temporary officers and employés, and incidental and contingent expenses	81,762 96
Total	228,390 51

The other paper on this subject is marked A A, (see page 193.) Its title is "expenditures of the District of Columbia for permanent improvements, police, fire department, schools, &c., from the 1st of June to the 31st of December, 1871." The items of this statement are as follows:

Board of public works	\$1,082,133 33
Commissioners of the sinking fund to pay interest, &c., on Washington and Georgetown bonds	139,065 42
Purchase of eastern market-house site	30,042 00
On account of 36-inch water-main	135,263 80
Purchase of condemned turnpikes	14,277 48
Completion of P street bridge	8,953 89
Repairing Chain Bridge	2,000 00
Metzerott Hall, preparation of	11,243 31
Morrison's building, preparation of	48,507 49
Executive office, fitting up	3,166 24
Police salaries and contingencies	66,053 38
Fire department	44,527 49
Public schools of Washington, salaries	61,709 29
Public schools, contingencies	29,553 84
Public schools, completion of buildings	76,106 40
Public schools of Georgetown, salaries and contingencies	3,003 63
Public schools of county, salaries and contingencies	21,118 22
Public schools, (colored,) salaries and contingencies	88,901 61
Total	1,865,627 12

In these two papers we have summary statements of the expenditures of the District government within a period of seven months, amounting to \$2,094,017.

In statement E (see page 189) we have a summary of expenditures by the late corporations for various periods, averaging in proportion to the amounts nearly twenty-three months, amounting to \$3,462,004.

The expenses of each class which make up the latter sum are as follows:

Washington, twenty-three months:

For salaries	\$720,189 23
Ordinary and contingencies	1,231,726 19
Improvements	1,136,493 48
Total for Washington	\$3,088,408 90

Georgetown, seventeen months:

For salaries	33,573 50
Ordinary and contingencies	106,893 56
Improvements	110,368 65
Total for Georgetown	250,835 41

Levy court, twenty-four months:

For salaries	70,760 00
Ordinary and contingencies	12,000 00
Improvements	40,000 00
Total for levy court	122,760 00

Grand total	3,462,004 31
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One important correction in the charge against Washington in the above statement is a reduction to the amount (\$445,150) of the ten-year bonds issued by Mayor Bowen, to pay the debts of his predecessors. Those debts, which had been accumulating since 1848, cannot justly be classed as expenses of 1870 or 1871. The bonds issued to the creditors happen to be all credited to the receipts, and debited to the expenditures of the fiscal year ending June 30, 1870, and the ingenious compiler of statement E has availed himself of this circumstance to appropriate this half a million of dollars (nearly) to the benefit of the present government. This sum is no more chargeable to the expenses of 1870 than the payment of the present floating debt would be chargeable to expenses incurred by the new government. It must, therefore, be deducted from \$3,088,409, leaving as the total expenditures of Washington for twenty-three months \$2,643,259; and if these figures be subjected to mathematical scrutiny, by dividing them by 23, it will be found that the expenses averaged \$114,924 per month, and this sum being multiplied by 7, will give the cost of seven months at \$804,468. By the same mathematical scrutiny, Georgetown will be reduced on a seven months' expenditure to \$103,285 14; and if subjected to the same test the levy court will be \$61,380.

The account against the late corporations for seven months will then stand, according to the evidently partial figuring of the officers of the present government, as follows:

Washington	\$804,468 00
Georgetown	103,285 00
Levy court	61,380 00
Making a total of	<u>969,133 00</u>

The fact thus becomes apparent that the expenses of the government of the District for seven months, as far as reported, amount to	\$2,094,017 00
And that the expenses of the late corporations for seven months, in the most extravagant expenditure ever known by the corporation of Washington, were	<u>969,133 00</u>

Leaving a difference against the District, in seven months, on its own showing, of	1,124,884 00
Which is equal to an increase on a year's expenditure of	<u>1,928,392 00</u>

By the CHAIRMAN:

Q. That statement is made up with additions which you have made and the expense of this new government over and above those reported by the officers?—A. Yes, sir; with my additions.

By Mr. PHILLIPS:

Q. And that includes the operations of the board of public works?—A. It includes the official statement to which I have called the attention of the committee in these papers. The next branch relating to the finances of the District to which I wish to call the attention of the committee has reference to the receipts of the new government.

There is but a single paper relative to the receipts of the new government. It is paper N, submitted to the committee by the governor, being a letter from the comptroller bearing date the 8th of February. (See page of evidence 196.)

From this letter we learn that the amount of improvement bonds sold for delivery during the year 1871 was \$1,500,000, and that an additional amount of \$2,500,000 has been sold for delivery as work progresses; also, that water stock bonds have been issued to the amount of \$450,000, for which that sum has been received. The date is not given of any of these bonds, nor is it stated what amount of money has been received on account of the improvement bonds.

But a letter from the same officer (the comptroller) submitted by the governor to the legislature of the District on the 18th of January is more explicit, though it also fails to give the date of the bonds.

By the CHAIRMAN:

Q. You are now discussing the character of this evidence as it appears in the testimony. The comptroller is preparing, and will present, a full statement giving the details of all the expenditures and income down to within a few days of this time. Now, then, after that statement has been furnished, if it fails to present the figures as they exist, it will be a fair subject of criticism, but to make the statement you are now making in the nature of argument on the partial returns of the comptroller as made to the committee, is unjust.

WITNESS. I was summoned by the committee before he was asked for this additional statement, and I was therefore criticising the statement that was put in.

Mr. COTTON inquired whether Captain Moore appeared before the committee as counsel or as a witness.

Mr. GREEN replied that he appeared as a witness very familiar with the various operations of the government.

WITNESS. In the letter of the comptroller to which I referred, under date of January 18, he gives the amount of bonds under the act to provide for the additional supply of Potomac water at \$450,000, and he states that that amount has been received for the bonds. He also states that \$1,410,000 had been received for the improvement bonds.

From this letter we learn that the proceeds of \$1,500,000 of improvement bonds, delivered between the 22d of December and the 15th of January, amounted to	\$1,410,000 00
And that the proceeds of \$450,000 water bonds, bearing interest from the 1st of November, amounted to	450,000 00
In addition to these receipts, a temporary loan was obtained under the act of the legislature of 30th of June, to the amount of	250,000 00
And a temporary loan was obtained for the board of public works, under the act of the legislature of the 11th of August, amounting to	500,000 00
And the sum received for taxes from the 13th of November, 1871, to the 17th of February, 1872, (see collector's report, published in the Chronicle of February 19,) was	1,145,367 00
Making a total means of	3,755,367 00
The total expenditures of the entire government from the 1st of June to the 31st of December, as stated in papers marked A and AA, amounted to...	2,094,017 00
Leaving a balance of	1,661,350 00
Of this balance it appears from the letter (bearing date February 12) of Mr. W. S. Huntington, cashier of the First National Bank, which is the depository of the funds of the District government, that the balance in bank to the credit of the treasurer of the District on the 6th of February, was	\$49,208 00
And the balance in bank to the credit of the treasurer of the board of public works, was	31,847 00
Making the entire amount in the deposit bank on the 6th of February	81,055 00
And still leaving a balance of	1,580,295 00
The two temporary loans of last summer may have been repaid, but they are not named in either statement of disbursements; if paid, however, they amount to	750,000 00
And would, if paid, reduce the balance to	830,295 00

Now, keeping in mind the fact that the expenditures of the new government, as reported to the committee, come down only to the 31st of December, and that the proceeds of the improvement bonds deliverable in 1871 were realized between the 22d of December and the 15th of January, it must be inferred that the above sum of \$830,295 has been disbursed between the 31st of December and 6th of February in payment of debts previously contracted, and if it had been so disbursed it should be added to the expenses reported by the governor, in order to obtain a fair view of the relative cost of the old and new governments. In that case the account would stand thus :

Expenses of the new government for seven months	\$2,924,312 00
Expenses of the old corporation for seven months	969,133 00
Difference against the new government	1,955,179 00
To which must be added, if the temporary loans be not paid	750,000 00
Making a difference, in that case, of	2,705,179 00

I did make an item of the increased number of officers over the statement made here, which does not include the board of health, and which shows that there are six hundred and twenty officers under the new government, against one hundred and eighty-seven under the old; giving in one case about one officer for every eight hundred people, and in the other, under the new government, about one officer for every one hundred and twelve men, women, and children,

By Mr. CHIPMAN :

Q. Who are these officers?—A. They are returned by the board of public works, to which statement, as given to the committee, I added the number returned by the governor and the board of health, amounting to six hundred and twenty in all.

Q. That includes superintendents of improvements, streets, &c.?—A. I suppose it does.

It is not designated in the law of the board of public works. The last letter which came in here stated that they had in their employ two hundred and twenty-three officers, but did not state what they were doing. I will state that, under the system of improvements carried on by the former government of the city of Washington, the entire work was done by about ten officers, one surveyor, one assistant surveyor, and one superintendent of streets and sewers, with, at times, some assistance to these officers.

Q. Did they carry on improvements on as large a scale as the board of public works have inaugurated?—A. No, sir; but the cost of these officers under the present system is about 8 per cent. on the entire cost of the improvements, against not more than $2\frac{1}{2}$ per cent. under the old system.

Q. Who superintended the construction of the sewer on Fourteenth street?—A. I do not remember. It was the commissioner of the ward at that time.

By Mr. ELDRIDGE:

Q. Do I understand you that the cost of officers and machinery under the old and new governments for improvements is as $2\frac{1}{2}$ to 8 per cent.?—A. I think about that.

Q. Do you mean to state that the ten officers and superintendents did as much work as the two or three hundred do now?—A. We had ten officers, and they took laborers, having pay as laborers, and assigned them foremen of the different gangs. They are all now salaried officers to perform that service.

Q. Then instead of appointing superintendents, they took laborers to superintend laborers?—A. Yes, sir; there was one commissioner for each ward, who could, in co-operation with the surveyor and assistant surveyor, superintend the streets and sewers. I will state in regard to the Fourteenth street sewer that there has been a great deal of complaint made about its construction. The work was done very cheap, I believe for less than it cost the contractor. It was done prior to the creation of the office of superintendent of sewers; indeed the complaint in regard to that sewer was one of the reasons that led to the creation of that office. I think it was done in 1865 or 1866, and I don't suppose the repairs made upon it have altogether cost the corporation more than \$10,000.

By the CHAIRMAN:

Q. Would you advise such a job as this to be superintended by a common laborer?—A. No, sir; all the sewers that are now being built are not under the superintendence of practical men.

Q. If you had a bridge to build or a sewer to construct, would you advise that it should be done without a regular superintendent?—A. The contractor always takes the responsibility of doing the work on a sewer properly and gives bond for its faithful performance.

Q. If you had a road to macadamize would you not set laborers to work on it with a laborer to superintend?—A. The ward commissioner always attended to that.

By Mr. CHIPMAN:

Q. Let me ask you whether, in your statement of corporation officers, you included any outside of the city of Washington?—A. I think I put down the others, but didn't make any estimate on them. I made an estimate as regards the offices of the city of Washington, and afterward I made a statement in regard to those of the city of Georgetown and of the levy court; but I made no comparison based on their number.

Q. In your estimate for Washington did you include the foreman of laborers?—A. No, sir; because there were no such officers.

Q. But you state they were assigned as superintendents?—A. Yes, sir; but the superintendents now get large pay. In making this statement I simply included the cost of the surveyors and commissioners of wards, and adding to that the amount of two or three thousand dollars, to cover different incidental expenses, make the cost altogether about \$15,000 or \$16,000 a year.

By Mr. CRANE:

Q. Did you introduce into this list of officers the superintendents of streets who had the work formerly done by ward commissioners?—A. No, sir; there is a long list of engineers, assistant engineers, and laborers. I didn't examine it particularly.

Q. State what you know in regard to the passage of the first registration act making appropriations for the payment of expenses incurred in connection with the first election. State any circumstances of the passage of that bill which were wrong or irregular.—A. We passed the bill without any information as to details. There was, for instance, a large amount charged for refreshments, &c. I think the bill for the entire cost of registration was near \$19,000.

Q. Were the items suppressed?—A. When the matter came before the house, I desired the items which went to make up that amount. The largest expense previously incurred for registration had been only about \$6,000 or \$7,000.

By the CHAIRMAN:

Q. Did you obtain the details of the items for refreshments?—A. I had a glance at them.

Q. Were there items for refreshments under the old registration?—A. I remember one item of \$20 or \$30, and I think another of \$70 or \$80.

Q. Were they put down as for liquors, cigars, &c.?—A. No, sir; they were simply stated as for refreshments. When this bill was before the house, I asked that the items might be furnished.

Q. Were these refreshments furnished to the officers of election, during election-day, when they could not leave the polls?—A. No, sir; the inspectors and commissioners of elections, I believe, have mostly been furnished their meals. These items for refreshment were for the board of registration alone, composed of five or seven men. As I was proceeding to state, the items were suppressed and the papers abstracted. In the mean time a letter was sent from the president of the board of registration to the chairman of the committee which was very discourteous in its terms. Finally Mr. Solomons, chairman of the committee, came into the house and moved that the bill be taken up, saying that here were the papers which had been called for. The papers were laid upon the secretary's table, and I immediately went there and commenced to look over the items, and one or two questions were asked, when some one moved the previous question, which was a very common thing there when they didn't want to hear anything.

By Mr. ELDRIDGE :

Q. They learned that of Congress, did they not?—A. Yes, sir; and they have learned a great many bad things here. When I inquired, directly afterward, for the papers, the speaker told me they could not be read, for the previous question had been sustained. While the yeas and nays were being called, the chairman of the committee went to the table, took them up, and went off with them, and when I called for their reading the speaker replied that they were not in the possession of the house; but, in the mean time, I had made various memorandums from them.

Q. Was that letter from the chairman of the board of registration published in the papers in the French language?—A. No, sir.

Q. Was the bill of items contained in his letter in the French language?—A. It had some French words in it, and not correctly spelled, either.

Q. Did you try to read that to the House?—A. No, sir; I did not try to read it.

Q. Was this letter from the chairman of the board of registration actually presented to the chairman of the committee of the legislature?—A. It was.

Q. It purported, did it not, to give a sort of bill of fare?—A. I believe so; it was just *badinage*.

Q. Can you furnish the items?—A. I took a memorandum of some of them, but I haven't it here. As I remember, the total amount was \$1,900 for refreshments, &c.; but that included something else, amounting to \$600 or \$700.

By Mr. CHIPMAN :

Q. Who furnished these refreshments?—A. They were furnished by S. W. Owen, keeper of the Owen House.

Q. Is he a republican or democrat?—A. I don't know; I could not answer for anybody's politics in these times. They generally know where to find me.

Q. Do you not think his position is as well known as yours?—A. No, sir; I don't think it is. He served one term in the old council, and he was put on the board of registration as a democrat.

Q. Did he not take part in the campaign as a democrat?—A. I don't know; I didn't attend the political meetings.

By Mr. ELDRIDGE :

Q. Do you know whether he supported General Chipman or not?—A. I do not.

INCREASE OF OFFICERS.

The latest communication from the board of public works, submitted to the committee on the 5th of March instant, will add largely to the balance against the new government on account of salaries. In the two previous communications from that board returns were made of about eighty-eight officers as being in their employment, on their own appointment, without legislative authority. It was on these returns that \$108,500 was inserted (a part of it being estimated) as the salaries of officers of the board. In their latest return they inform the committee that the number of their officers of all descriptions amount to two hundred and twenty-three, being an excess over their former reports of one hundred and thirty-five. No data is given by which the compensation of these additional officers can be estimated, but it must necessarily be quite large.

The board of public works returns, as of their own appointment, two hundred and twenty-three paid officers, some of whom receive very high salaries; the board of health returns sixteen officers of their own appointment, all receiving fair salaries; the governor has returned, as of his appointment under authority of law, one hundred and eighty-seven officers who receive salaries, and one hundred and ninety-four officers who are dependent upon fees, or some without compensation; and the officers thus returned do not include members of the legislature, teachers of the public schools, members of the police, or members of the fire department; therefore, exclusive of those excepted branches of the government, the total

officers amount to about six hundred and twenty. Under the old government of Washington, which comprises five-sixths of the District, there were about seventy-one salaried officers, and sixty six dependent upon fees, or serving without compensation. The increase, therefore, is two hundred and forty-four salaried officers, and one hundred and twenty-eight depending on fees, or serving without compensation. The officers now, exclusive of the legislature, the schools, the police, and the fire department, are equal to one for every two hundred and twelve persons, including men, women, and children, while formerly they were equal to one in about eight hundred, and the proportion was less in Georgetown and the county. The officers under the corporation of Washington who formerly superintended improvements, which amounted annually in the three last years to about three-quarters of a million of dollars, consisted of one surveyor, at \$1,500; one assistant surveyor, at \$900; a superintendent of streets and sewers, at \$2,000; and seven ward commissioners, at \$1,200 each, with casual extra assistance, involving a total cost probably of \$15,000 or \$16,000. Now, in lieu of these *ten* officers, it seems that we have had under the new government upward of *two hundred*, without any increase of work to justify their appointment. The expense of this large official corps is more than this small municipality should bear.

WASHINGTON, D. C., March 8, 1872.

CHARLES F. PECK sworn and examined.

By Mr. GREEN:

Question. State your residence.—A. Georgetown, District of Columbia.

Q. Were you a member of the District council?—A. Yes, sir.

Q. Appointed by whom?—A. Appointed by the President and confirmed by the Senate.

Q. What are your politics?—A. I have been an abolitionist, a free-soiler, and republican. I believe that covers about all.

Q. Are you still a member of the council?—A. I resigned my position in the council last July. My resignation has never been accepted and the vacancy has never been filled. I may be, therefore, technically a member of the council for that reason; I have taken no part in their deliberations since the 3d of last July.

Q. What were your reasons for resigning your position and taking no part in their deliberations since the date mentioned?

Mr. CHIPMAN objected to the question as not proper; and the objection was sustained by the committee.

Q. Did you or not, when a member of the council, find any difficulty in getting through any bills that you thought reasonable and proper, and that ought to be passed?—A. I did find great difficulty in getting bills through that I believed to be proper, and that in my judgment should have been passed.

Q. Can you tell what influences were exercised over the legislative assembly to prevent their passing just and proper bills?

Mr. PHILLIPS objected to the question as not relating to any of the charges made.

Mr. GREEN said the question was covered both by the sixth and seventh charges.

The CHAIRMAN stated that the witness could give any facts within his knowledge tending to prove these charges.

A. I will state to the committee that what are proper and what are improper acts is a matter of opinion. In my opinion the first four million loan bill was a grossly improper act. I do not know of the council or legislative assembly, as a body, being requested or induced to pass that act. I know that personal solicitations to vote for the act were used by members of the board of public works.

By Mr. CHIPMAN:

Q. Did a majority of the legislative assembly agree with you in regard to that bill?—A. I speak now of the council; I know very little of what occurred in the house of delegates. I think a majority of the council did agree with me; but, of course, in speaking of the opinions of other persons it is somewhat a matter of estimate.

By Mr. CRANE:

Q. Did you make a speech against the four-million loan?—A. I did, from my seat in the council.

Q. Do you remember whether any of the members of the board of public works were present when you made that speech?—A. I think they were all present, either on the floor or in the anteroom in the course of that afternoon or evening. I did not see them all together. I have some doubt about seeing Mr. Mullett. I remember seeing the governor, Colonel Magruder, Mr. Shepherd, and Mr. Brown in and about there.

Q. Did you notice whether they took any part in the discussion by manifesting disapprobation while you were delivering your speech, or approbation when those who were in favor of the loan were speaking?—A. While I was delivering my speech I saw members of the board expressing disapprobation by their looks. That is a rather vague speech to make.

Q. Did they sit inside the railing?—A. I saw two of them sitting inside; of course my eye was on the presiding officer.

The CHAIRMAN suggested that this testimony was hardly proper.

The WITNESS. I answered the question because it was put to me. I do not wish to volunteer any opinion or information on this subject.

Q. Did you find any difficulty in getting members to sustain you in the bills you offered, before the board of public works gave their approval to the bills?—A. Bills that I considered important for the interests of the public, and which I offered usually, if not in all cases, passed the council, or never got any further.

Q. Did you find it necessary, in order to receive the support of the members of the council, to first submit the bills for the approval of the board of public works?—A. I cannot answer that question exactly as it is propounded to me; I can state my understanding of the position perfectly. Of course there was no formal presentation of bills, and no formal approval or disapproval by the board of public works. As a matter of form or ceremony, that was never done, that I know of; but my observation, and such information as a member of such a body naturally picks up, satisfied me that any resolution or bill which the board of public works took an interest in having passed did pass, and frequently passed immediately; and that such bills as they did not express any interest in or approve of never did pass.

Q. Did you not resign your seat in the council in consequence of the interference of the board, and the improper bills that were passed there?

The CHAIRMAN stated that the inquiry, in his opinion, was not a legitimate one.

By Mr. GREEN:

Q. Did not your observation satisfy you that there were prejudicial influences existing there which you were powerless to overcome?

Mr. COTTON suggested that this was a matter of opinion, and not a statement of facts upon which the committee could form an opinion.

The CHAIRMAN. You may state any facts showing that the board of public works interfered improperly to pass any bill which outraged public sentiment, or was against the public interest; that is a legitimate subject of inquiry.

The WITNESS. I can only state that my observation and information satisfied me that the council and house of delegates—my opportunities for knowing the council were much better—were wholly and completely subservient to the board of public works.

By Mr. CRANE:

Q. Have you a knowledge of the appropriations passed by the legislative assembly?—A. I have of those which passed while I was in the council, and some knowledge, from an examination of the laws, of those which passed afterward.

Q. Can you state what is the aggregate amount of the appropriations?

Mr. CHIPMAN inquired whether that was not a matter of record.

The CHAIRMAN stated that the comptroller had been called on for a full statement, but that if the witness could give an accurate summary, he might do so.

A. I have made simply a memorandum, for my own information, from an examination of the laws; and the appropriations, as I figure them, reach a total of \$12,028,628.

By Mr. CHIPMAN:

Q. Give the items.—A. It will take me a long time to repeat each item. I will state that that includes both the four million bills, and I add to that four millions more, which would be the amount the law permits to be assessed upon property by reason of special improvements, and which does not require an appropriation. I will also state that there are appropriations indefinite in amount as they are stated in the laws. Those which I refer to are found on pages 6, 8, 9, 39, 40, 67, 69, 101, 104, 108, 112, 115, 116, 133, 162, 166—sixteen in all, in which the amount is not expressed, but sums sufficient are appropriated to carry certain objects into effect. I am not sufficiently an expert to make any good estimate as to what they amount to in the aggregate; I figured it in my own head, and for my own purpose, as amounting all together to about \$1,000,000. The true amount may be largely in excess, or it may be largely in diminution; anybody else who is an expert would give a better opinion.

By Mr. CHIPMAN:

Q. Do you speak of all that amount as an appropriation?—A. Perhaps I spoke unguardedly. I made this calculation, while lying in bed sick, for the purpose of satisfying my own curiosity as to how much had been appropriated or provided for by the legislature.

Q. The question was as to the amount of appropriations made, and you stated it in round numbers?—A. Yes; and I do not want to state it again without an explanation of exactly what I mean.

Q. You do not mean to state, then, that \$12,000,000 have been appropriated by the legislative assembly?—A. I shall take pains before I get through to explain exactly what I mean. If the committee will allow me to make the statement which I have prepared, it will be clearer and more free from ambiguity. The total expenditure provided for by my figures and estimates were something over \$17,000,000. But to reach that sum I allowed \$1,000,000

for these sixteen indefinite appropriations. I allowed \$4,000,000 for assessments to be made upon property for special improvement. In the two bills two millions under each bill provided for in the organic act which permits the board to levy one-third of the gross amount of improvements on the property-holder.

Q. If you place that at \$4,000,000, then you place the amount appropriated from the general fund at \$8,000,000?—A. Yes, sir.

Q. And if but one of these four-million loans is negotiated you would diminish the other \$4,000,000 by one-half?—A. Undoubtedly. I included both four-million bills as laws to be carried into effect, because they have both actually become laws, and the organic act provides that whenever special improvements are made, the legislative assembly shall furnish two-thirds of the money by general tax, which is to be appropriated for, and one-third may be assessed upon the property which is not appropriated for and which follows as a natural consequence from an appropriation to be paid out of the general fund.

By Mr. ELDRIDGE;

Q. State whether this one-third assessment applies to anything except improvements on the streets?—A. The law will speak for itself. My calculation is based upon one-third the cost of improvements being borne by the property benefited.

Q. Do you understand that the law authorizes one-third the cost of all improvements, not only those made upon the streets, but for sewers or anything else the board may think it desirable to improve, to be assessed upon the property-holder?—A. Yes, sir; my opinion upon that point is derived from an estimate which was sent in by the board of public works to the legislative assembly upon which the first four-million bill was passed, naming certain improvements, and in that estimate was included one-third of the cost of these improvements to be borne by the property-holder. That is the construction they put upon this act.

Q. Suppose \$2,000,000 of these \$4,000,000 are applied to improvements on the streets and the other \$2,000,000 to building sewers, laying pipes, and filling up the canal, would you in that case require the one-third to be assessed upon the property as applying to the \$2,000,000 or the \$4,000,000?—A. I would not like to express an opinion upon that without a very careful examination of the law, and it is some time since I have looked at the statute. In making this estimate I was guided entirely by the statement the board sent in. The statute named principally that construction, but it is the construction they put upon it; but I presume is the proper construction. I only know that when this first four-million bill was pending before the legislature, the board of public works sent to the legislative assembly a list of the improvements they proposed to make. As I remember, they footed up the total cost of the improvements at about \$8,000,000. Then they deducted 20 per cent. by reason of paying in cash, their first estimate having been based upon credit, and then they deducted one-third, as I remember, to be assessed upon the property benefited by the improvements specified. The statement set forth all the improvements they intended to make in detail.

Q. That is their construction. What I want to know is what you consider the proper construction of the law.—A. I do not pretend to decide that question; there are better lawyers here than I am.

Q. Then suppose the \$8,000,000 were to be expended in buildings or printing, do you understand that one third is to be assessed in every instance?—A. I can conceive that there may be improvements where you could not find any property benefited, and that it would not be practicable to make the one-third assessment.

By Mr. CHIPMAN:

Q. Take, for instance, the P street bridge, or the Slash Run sewer?—A. The P street bridge is built under a law of the old corporation. For the Slash Run sewer, I presume they will find property to levy the one-third assessment on; I don't know. I will state that I do not think the board of public works are bound to levy the one-third assessment in all cases; I presume they intended to do it from the statement made in the estimate which they sent in.

By Mr. CRANE:

Q. Does not the board have a contingent fund out of which printing and such expenses are to be paid?—A. I believe so. I was proceeding to state that I made up this amount of \$17,000,000 by estimating \$1,000,000 for the sixteen indefinite appropriations I have mentioned, adding \$4,000,000 to be specially levied upon property, and adding \$8,000,000 provided for by the two four-million bills. I found in another bill, I think, on page 35 of these laws, a large appropriation of \$200,000 for the improvements on M street in laying the Nicholson pavement, and which would fall under the same rule. I have also an estimate of \$46,000 for paying interest, and I believe one installment of the principal of the water loan, found on page 17.

By the CHAIRMAN:

Q. Is this water loan a new matter or an old one?—It passed the first session of the legislative assembly, I think. I included, also, the Piedmont loan, \$600,000, and \$280,000 to pay the first installment of interest, and principal on the four-million loan, the principal of which, I think, is divided up into thirty yearly payments. I included \$280,000 for one of these

bills; I did not as to the other. If either of the bills is carried into effect, that amount will be required. In that way the total amount of something over \$17,000,000 was reached.

By Mr. ELDRIDGE:

Q. Was the bill passed appropriating these \$280,000?—A. I think it is provided for in the four-million loan bill; it is a little obscure in that respect.

Q. In your observations have you taken into account the amount of the special taxes to be levied upon the property of this city for this purpose?—A. I have not kept the run of the legislation upon that subject. I also found upon examination of this book that loans are provided for to the amount of \$10,405,000, including the four-million loans.

Q. Is that a part of the \$17,000,000, or is it in addition?—A. It would be difficult to say.

Q. Does that include the old debt?—A. So far as it comes up in this new legislation.

Q. Do you mean to say they provided for the issuing of over \$10,000,000 of bonds?—A. That is my memorandum, but I will state to the committee that I desire to have it verified, for, as I have said, these figures were made solely for my information. If I had prepared it for this committee I would have verified everything before coming here to testify. The first item to make up this amount is found on page 9, and which authorizes the governor to anticipate the revenues not to exceed \$2,000,000.

Q. Are there bonds to be issued for that?—A. I do not know; it does not say bonds in the act. I do not know how the governor is to negotiate the money.

Q. There is no authority in the act for issuing the bonds?—A. No express authority.

By Mr. CHIPMAN:

Q. Is not that merely authority to anticipate the revenue and to be paid out of the current revenue of the District?—A. That seems to be the purpose of the act. The next item is on page 11, \$5,000.

Q. Are bonds to be issued for that?—A. I did not intend to say that bonds would be issued for all these \$10,000,000; I intended to say loans. On page 12 occurs the first four-million loan bill. On page 17 an act to provide an additional supply of Potomac water, providing for the issue of \$450,000 of bonds, running thirty years from the date of their issue, at 7 per cent. interest, payable semi annually.

Q. Are they gold bonds?—A. I think not. On page 35 I find provision for the loan of \$500,000 to provide for improvements and repairs in the District of Columbia, anticipating the revenue to that amount. This does not provide for the issue of any bonds.

Q. Is there any provision as to the time this loan is to run?—A. No; it is to be paid out of the revenue when collected. The next is for the Piedmont Railroad, and provides for the loan of \$600,000, but which does not become a law until ratified by Congress. On page 60 is the other four-million bill; and on page 117 is an item of \$300,000; that is for market stock. These bonds are payable twenty years from date in current money, with 7 per cent. interest, payable semi-annually. This is for purchasing sites for market-houses in the northern and western sections of the city. That foots up \$10,400,000 of loans. The item of \$5,000 which I referred to is on page 10, which authorizes a loan for the benefit of the city of Georgetown of that amount. I think that was to anticipate the payment of the interest on their old debt, and it was in anticipation of the revenue, I supposed, to be charged to Georgetown. The sum total foots up \$10,405,000.

Q. If Congress should not approve the Piedmont loan, and only one four-million loan should be negotiated, deducting the amounts you have named which are anticipating the collection of the revenue, how much would the bonded debt foot up?—A. It would diminish the amount I have named, I think, to the extent of \$5,355,000, or rather more than one-half, so that the bonded debt would only be increased some \$5,000,000.

By Mr. DARRALL:

Q. The council and legislative assembly have provided, so far as they had the power, for loans of more than \$10,000,000?—A. Yes, sir. I might state still further that if by the action of Congress the second four-million bill should be set aside, and the supreme court should decide that the first four-million bill was invalid, that would reduce the amount still more; but so far as the legislative assembly or the board of public works is concerned, the whole sum has been provided for.

By Mr. CREBS:

Q. Do you know whether the \$5,000,000 which anticipates the revenue has been paid from the revenue?—A. I am not very well informed upon that; I should think not. I do not see how it is possible to get revenue to do it. Other gentlemen better posted will be able to show you. My opinion is that this amount will remain merely as a floating debt to be provided for ultimately by the issue of bonds.

Mr. PHILLIPS stated that he was informed that both amounts had been paid.

The WITNESS. If both amounts have been paid it would simply shove the matter along. I do not see how it is possible to raise that amount of money by taxes and provide for the current expenses. Of course, the first taxes coming in would be applied to pay off the old loans.

By Mr. CHIPMAN :

Q. Do you know of any deficiency having occurred in the revenue ?—A. I do not know anything about it.

Q. You are not advised that the taxes collected have not been sufficient to pay these loans and the current expenses of the government besides ?—A. I have no advices except the figures I have given, which seem to show that it could not be done. It is a mere matter of opinion on my part.

By Mr. CREBS :

Q. What is the total amount of taxable property in the District of Columbia ?—A. It was eighty-five millions when the new government came in. Since then there has been a new assessment, and I have been informed that they succeeded in increasing the total amount very considerably ; how much I do not know. So far as my knowledge is concerned there is no margin for the increase.

By Mr. CRANE :

Q. Have you observed any improvements on street work going on since this investigation commenced ?—A. I do not know much about that ; I have been in bed mostly.

By Mr. PHILLIPS :

Q. You gave it as your opinion that members of the council were approached personally by the board of public works ; were you approached by the board of public works ?—A. Not as an organized body ; I was by members of the board of public works.

Q. Was any improper offer made you ; if so, by whom ?—A. Nobody offered me any money or valuable consideration, and it is not likely they would.

Q. Did they not simply reason with you and talk with you about the necessity of improvements ?—A. There was never any occasion to urge upon me the necessity of improvement. I have always been in favor of the most liberal plan of improvements, and have always so stated. I was willing to go as high as \$10,000,000 for improvements in this city. There was, therefore, no occasion for any one to reason with me upon that subject ; I only demanded that the money should be expended with the utmost economy, and that the utmost safeguards should be thrown around its expenditure. I was not willing to give in on that point.

Q. What did you mean, then, by stating that, as an individual, some of the board of public works, as individuals, had spoken to you about this bill ?—A. I meant that some of the board of public works had repeatedly used the strongest personal solicitations to induce me to vote for the bill, and that knowing that it was against my judgment.

Q. Were these solicitations merely arguments, reasoning with you about the expediency of passing the measure ?—A. I think they went beyond that.

Q. Can you state what ?—A. Yes, sir ; I can state, in putting it upon personal grounds, that the personal honor of certain individuals was involved in the bill being passed.

Q. Did they talk to you about their honor having been pledged ?—A. They said so.

Q. In what regard ?—A. I do not know. I could not tell you.

Q. Who stated this to you ; name the gentlemen ?—A. I would rather not.

Q. You have made a charge, and it is but just that you should give the names.—A. I have made no charge. I have simply answered the questions put to me, and I wish that to go into my evidence. I merely came here to tell the whole truth. I make no charge against anybody.

Q. You refer to some sixteen appropriations which you say were made indefinitely ; what do you refer to on page 115, to which you call the attention of the committee ?—A. That is for a sum sufficient to pay the Georgetown indebtedness. I do not know how much that is.

Q. That would then be a definite appropriation, if you understood the amount of the debt ?—A. I suppose any of these appropriations can be estimated and made definite. I will state again that I made these figures while lying in bed, and that they are liable to inaccuracies. I do not propose to state anything as an expert.

WASHINGTON, D. C., *March 11, 1872.*

R. C. HEWITT duly sworn and examined.

By Mr. CRANE

Question. State your name and residence.—Answer. R. C. Hewitt ; residence, No. 623 M street. I am a flour and feed merchant, but have been also contracting for the last two or three years.

Q. Are you interested in any contracts ?—A. I am.

Q. What ?—A. On Fourteenth street, and I have a small interest in one on Vermont avenue and Fifteen-and-a-half street, on what is called Jackson Place, I think

Q. Were there any other parties interested in the Fourteenth street contract?—A. Yes, sir; Mr. W. S. Morse, Thomas Lewis, and myself. The contract was made with Lewis and myself. Afterward Mr. Morse joined us.

Q. When was this contract made?—A. On the 5th of May.

Q. With whom?—A. The mayor, the board of alderman, and the common council.

Q. When did you commence the work?—A. I don't recollect the date. It was within twenty days after the contract was made.

Q. Have you finished the work?—A. No, sir. The board came into power, and although they didn't really stop us, yet there was an order to that effect in the newspapers, and we notified them that we suspended, awaiting their order.

Q. How long was the work suspended?—A. I don't know that I can exactly tell. I think we worked three weeks, and then didn't commence again for one or two months.

Q. Why was it suspended so long?—A. We didn't want to fight the board of public works, although they had not notified us to suspend only through the papers. We waited for the grades, as we could not go on without them.

Q. Did the board of public works take the ground that the mayor had no right to award that contract to you?—A. They seemed to object to the price.

Q. What was the distance?—A. From H street to the boundary.

Q. How much have you done?—A. Seventeen thousand four hundred and sixty-four yards; from H to N streets.

Q. Why didn't you complete the work?—A. We were waiting for the sewer. That was one objection that they made, that the mayor had given out the contract before the sewer was given out from N street to the boundary. Then we agreed to wait till they put the sewer in.

Q. How much does the work amount to that you have already completed?—A. I think our bill for the whole amount was not far from \$67,000; we have made no settlement; that includes the curbing and all.

Q. Did you have any difficulty in getting the consent of the board of public works to go on with the work?—A. They kept us waiting before they gave their consent.

Q. Did you employ any persons to intercede with them?—A. Nothing more than to get what influence we could.

Q. State whose services were procured.—A. We didn't procure the services of any one particularly; Mr. Lewis did more than any one else, because he was acquainted with the gentlemen; I was not. I tried to make friends with as many as I could, of course, to get the matter settled.

Q. Have you any objection to giving the names?—A. I could not name them particularly; I spoke with many persons. We thought we had a good contract, and we didn't want to have any trouble about it.

Q. Did Mr. Peter Campbell ever go to the board of public works and intercede for you?—A. Yes, sir; he is a personal friend of mine, and did what he could for me.

Q. Did you pay him anything?—A. No, sir.

Q. Has he any interest in that work?—A. No, sir.

Q. Was he on the ground when that work was measured?—A. I think I asked him to ride out with me one morning when Mr. Lewis and I went over it.

Q. Has he not manifested a particular interest in that work all the time since you commenced it?—A. I think so; he always was a friend of mine.

Q. Has there been any reason for his interest except his personal friendship?—A. None that I know of.

By Mr. PHILLIPS:

Q. Does Mr. Campbell live in your legislative district?—A. Yes, sir.

Q. Does that include Fourteenth street?—A. No, sir.

Q. What price were you getting for the work?—A. Two dollars and eighty-five cents per square yard for the wood-work; 65 cents for grading and preparing the road-bed; and 20 cents for the sand, making the whole cost per square yard \$3 70.

By Mr. ELDRIDGE:

Q. Have you been going on with the work at the same price of the contract made with the mayor and aldermen?—A. Yes, sir.

Q. Who made the complaint of the price?—A. The board of public works; but still we intended to go on and take our chances.

Q. Have you been paid?—A. For a portion of it.

Q. How much?—A. We have received about \$50,000.

Q. Then you claim about \$15,000?—A. Yes, sir.

Q. Was there any reservation in this contract of any per cent., as security?—A. No, sir; we gave a bond of \$100,000, which we considered sufficient security.

Q. There was no agreement, then, that 20 per cent. should be reserved?—A. No, sir.

Q. Have they reserved 20 per cent.?—A. They have got about that.

Q. Is this Mr. Lewis connected with the city government in any way?—A. No, sir.

Q. Who is Mr. Morse?—A. He has been a contractor here for eight or nine years.

Q. Does he claim a patent on his pavement?—A. Yes, sir.

Q. Is there any of this Morse pavement on Pennsylvania avenue?—A. No, sir; it was not patented at the time that pavement was laid.

Q. Where is it?—A. On Fourteenth street.

Q. What is there peculiar about the blocks of the Morse patent? What does he claim?—A. The patentee claims all in one block, with the blocks locking together so that one grooved into the other; the blocks have to be all of one length; if you start with a 12-inch block you must keep on with the same size.

Q. Are the blocks cured or preserved against rot in any way?—A. No, sir; we use the best of white pine.

By Mr. CRANE:

Q. Were you politically opposed to Mr. Campbell last year?—A. I believe I supported Mr. Campbell last year.

Q. In the Emery campaign?—A. Yes, sir.

Q. Was there any arrangement that if Mr. Campbell would assist you in your contract you would sustain him for the legislature?—A. There was no arrangement of that kind made, and I am satisfied it was never mentioned. I had become acquainted with Mr. Campbell a little before that time, and we had no candidate in our district that I was willing to support. I took an active part in the election of Mr. Campbell; I considered him the better man of the two.

By Mr. CREBS:

Q. Is there any more of this kind of pavement in the city?—A. No, sir; there is some that is somewhat similar to it on Louisiana avenue. We were interested in laying that.

WASHINGTON, D. C., *March 11, 1872.*

T. T. FOWLER duly sworn and examined.

By Mr. GREEN:

Question. State your name and residence.—Answer. T. T. Fowler; Georgetown.

Q. Did you, last summer or fall, at the request of Colonel Magruder, take a note from him to Riley A. Shinn, in Georgetown?—A. Yes, sir.

Q. Were you informed by Colonel Magruder what that note contained?—A. No, sir.

By Mr. CHIPMAN:

Q. Have you the note?—A. No, sir.

Q. Did Mr. Shinn come over here and sign a contract?—A. Yes, sir. He told me he did. He told me the note that I had was the notice for him to come and sign the contracts, and he had done so.

By Mr. ELDRIDGE:

Q. When was that?—A. In November, I think; I don't recollect the date.

Q. What contract was he speaking of?—A. I don't recollect; it was a mere passing conversation.

Q. Has he been doing work for the government?—A. Yes, sir; on Bridge street, and on M street, in Georgetown.

By Mr. PHILLIPS:

Q. Did he identify the contract to which he alluded?—A. No, sir; it was a passing conversation merely. He said he had signed the contract.

By Mr. HARMER:

Q. Do you know whether he had more than one contract?—A. Yes, sir; I think he had two.

Q. You don't know which he referred to?—A. No, sir; it was a mere general remark.

WASHINGTON, D. C., *March 11, 1872.*

PETER CAMPBELL duly sworn and examined.

By Mr. CRANE:

Question. Please give your name, residence, and occupation.—Answer. Peter Campbell; Washington; I am a jobber in wood; am at present a member of the house of delegates.

Q. Were you chairman of the committee on appropriations?—A. Yes, sir.

Q. Did you have any conversation with Governor Cooke in regard to advertising in the newspapers?—A. None whatever.

Q. Or with any member of the board of public works?—A. I have had no conversation with any member of the government, to my recollection, on the subject of appropriations, until after the bill had passed the house of delegates.

Q. Did any one advise with you to bring in the bill for printing for the full amount?—A. The bills were sent to the committee on appropriations, and bills for printing were sent to the committee on printing, as they had two practical printers on that committee. These were not reported to the house of delegates; and I had a bill reported to the house and passed.

Q. Did the first four million loan bill originate in the house of delegates?—A. Yes, sir; I think so.

Q. Did you see that bill after it passed both houses?—A. Yes, sir; I have seen it frequently since then.

Q. Do you know whether there was any enacting clause to the bill, as it passed the house?—A. I think there was. The four million loan bill was considered six days; no previous question was called upon it; it was deliberated on in committee, I think, at two or three sessions; there was a substitute introduced by Mr. Dixon, the democratic member of the committee, and it was considered in committee of the whole house. They had ample time; I agreed with Captain Moore that I would not call the previous question upon it; and they had all the time they needed to argue it; but there was not enough of argument against it by anybody to demand an answer.

Q. Was that bill amended in the house?—A. Yes, sir; it was amended and carefully considered, enacting clause and all. There never was a bill introduced into the house of delegates that had a more fair consideration. I am speaking of the first four million loan bill; but my remarks would apply generally to the last one.

Q. Where were the tickets of the District printed?—A. By Gibson.

Q. Were yours printed there?—A. Yes, sir.

Q. Have they been paid for?—A. I think so; I am not certain about that.

Q. Were you present at a meeting last week, Thursday evening?—A. Yes, sir.

Q. Who presided?—A. The vice-president of the republican club of the fourteenth district, Sidney McFarland.

Q. What is his occupation?—A. I think he is superintendent of one of the markets. He was elected vice-president, however, before he was elected superintendent of the market.

Q. Did you hear any person make remarks in that meeting, who was not either an officer of the government or a contractor?—A. Yes, sir; most assuredly.

Q. Name them.—A. Henry Johnson was one.

Q. Is not he an officer under the corporation?—A. Not to my knowledge; he is a trustee of the colored schools. Very few remarks were made; but most that were made were by men who had no connection whatever with the government.

Q. Did Thomas Kirby make any remarks?—A. I believe he made a point, on some motion.

Q. Is he a contractor?—A. I believe he is.

Q. Did Horace Murphy take any part?—A. Yes; he always does.

By Mr. ELDRIDGE:

Q. Was anything said calculated to intimidate the men who are pursuing this examination?—A. Nothing that I heard of.

By Mr. CRANE:

Q. Were not denunciations made of the memorialists?—A. After the election of presiding officer I made some remarks, in which I commented quite expressly on the *animus* of these proceedings; a good deal more so than was published in the papers; and I am sorry it was not there, for I would hope it might have done some good. There was no speech made for intimidation; I only took occasion to state in my remarks what the effect of the action of the memorialists was in embarrassing improvements, and its influence generally on the District, to trump up charges without any foundation, and trying to impeach the motives of the legislature on nothing. That was the substance of my remarks. I made no personal remarks to any member of the memorialists. They were general in their character.

By Mr. PHILLIPS:

Q. With reference to Mr. Hewitt's testimony, do you wish to explain?—A. I have only to say that I am not directly or indirectly connected with any contract made by the board of public works, nor connected with any purchase or sales of any kind.

By Mr. CRANE:

Q. Did not you go to the board of public works to intercede for Mr. Lewis and Hewitt?—A. I did; and I interceded for all that I considered—like them—honorable and upright men. Mr. Hewitt was my neighbor and friend. I always considered him much of a gentleman, and I would do anything I could to favor him in any fair way. I did not use any unfair means to procure that contract.

Q. Do you consider it a legitimate part of your duty as a legislator to procure contracts under such circumstances?—A. I consider it a legitimate part of my duty to do anything for the good of the city; and if a good contractor happens to reside in my district, and if he has been a contractor a long time, and has done good work, admitted to be the best done in the city, as laid in Indiana avenue, I consider it my duty to go to the board of public works and urge them to give such men employment in preference to shysters; we have too many of them now.

WASHINGTON, D. C., March 11, 1872.

Mr. DEMAIN recalled.

By Mr. GREEN:

Question. Please state to the committee whether you endeavored to get a look at the grade-book of the city, and to whom you applied?—A. I first went to Mr. Forsyth, and told him I wanted the new grade-book, with the changes which had been made on the avenue. He referred me to the engineer's office of the board of public works, and, second, I went there. I saw Mr. Oertley, and he told me that he could not let me have the book without the permission of the board. He took me down to the office of the board of public works, and had some conversation with Colonel Magruder, who then told me that the order that I had received had since been rescinded. I then asked for it on my own responsibility as a citizen, or, if more agreeable, I would like to be presented with a copy. He told me that I could not have it. My inference was drawn from those circumstances that they had the book, though he didn't say so in so many words.

Q. Have you been for a long time connected with the work of the city as surveyor?—A. I have.

Q. Do you not know that there is a grade-book kept, on which all the changes of grades are entered?—A. There is.

Q. Do you know whether any other person has been refused an opportunity to inspect the grade-book?—A. Not that I am aware of.

Q. Is it not a public record?—A. It is a grade-book of the city, in which all changes of grade are always entered immediately.

By Mr. PHILLIPS:

Q. Is the book that you refer to as the grade-book a large folio book, having the streets laid down, and the grades at each corner?—A. Yes, sir.

Q. By whom was it made?—A. By several parties; some twenty years ago Mr. Coyle was employed to finish the grades.

Q. In whose possession is that book?—A. It has always been in charge of the surveyor of the city.

Q. Do you know whether the new grades are on that book?—A. Mr. Forsyth told me they were.

Q. Do you know whether any other grade-book has been kept?—A. Mr. Oertley told me he could not furnish the book without the permission of the board of public works, and I therefore inferred that there was a book.

Q. Did he say the grades had been established?—A. No, sir.

Q. Do you know that there is a grade-book of the new grades of Pennsylvania avenue?—A. No, sir; it was a mere inference from the circumstances.

WASHINGTON, D. C., March 11, 1872.

J. W. GREEN duly sworn and examined.

By Mr. GREEN:

Question. State your name, residence, and occupation.—Answer. J. W. Green; I reside in Washington; am a minister of the gospel.

Q. Were you present at a meeting on the 12th of October, 1871, in the seventeenth district, held at Island Hall?—A. I was.

Q. Where Colonel Perry Carson was chairman and Joseph Williams was elected secretary *pro tem.*?—A. Yes, sir.

Q. Is that a truthful report of what occurred at that meeting?

(Question objected to.)

Q. State what occurred at that meeting.—A. I was present at that meeting, called by F. A. Boswell, the chairman of the republican club of that district. Mr. Boswell left after calling the meeting and went to Massachusetts. The meeting went on, and Perry Carson was a vice-president, and called the meeting to order. Mr. Williams was elected secretary *pro tem.* Carson stated the object of the meeting, when Williams got up and stated the call of

the meeting, and then said that he himself advocated the four million loan, or words to that amount, and that he was only sorry it was not ten millions instead of four. The report in the paper (the Citizen) is substantially correct.

(Objection being made to the witness stating what he himself said, as he is not connected with the government, so much of the proceedings of the meeting were then read as included what Mr. Williams said.)

"Joseph Williams arose and said that he only hoped that it was for \$10,000,000 instead of \$4,000,000, for the laborers would at least get the drippings. If the loan was defeated, the laborers would be thrown out of employment, and their families would suffer. Some people alleged against him that he was a contractor. He thanked God that he had brains enough to be a contractor, and that he was not dependent on office for his support. All he wished was contracts, and he could fill them rightly. He expected to transmit his brains to his children and all the children around him. He had brains enough for the whole seventeenth district. * * * He always paid his laborers, and if he made money on his contracts, he did it on the square, and he defied any one to catch him tripping." * * *

"Whoever," said he, "shall vote against the loan must take the consequences. He was interested in the loan, and if any man voted against it and came to him for work, he would tell him to go starve."

By Mr. ROOSEVELT:

Q. Do you know whether the colored men were intimidated at the polls?—A. I do not know whether they were directly at the polls, but they were before they went there.

Q. By whom?—A. By threats made in public speeches, in like manner to this one read.

Q. By contractors, or men in the city government?—A. I cannot say, but I think so.

Q. Do you know whether any member of the District government made any such threats?—

A. I would not say, but I think I could be prepared to answer the question.

Q. Were voters brought up to the polls in bodies?—A. No, sir; they came up two abreast.

Q. Did they go up in considerable numbers at one time under leaders?—A. There were attempts made several times, but the police prevented it.

Q. Was there any arrangement made beforehand that they should vote in a certain way?—A. I do not know.

Q. Did they have leaders to supply them with tickets?—A. The tickets were placed in the hands of various persons, who dealt them out on the morning of the election. I was chairman, and dealt out tickets, and saw that they were distributed properly.

Q. Were the tickets for and against the loan of different colors?—A. I did not interfere with that election at all. I think four were placed in my hands. I voted for the Delegate and kept the other three. I don't know how voters were brought up at the last election; I was speaking of the common custom. I didn't bother my head with the last election; I simply voted and passed along. I don't recollect about the colors of the tickets.

By Mr. HARMER:

Q. At the elections here are the colored men in the habit of voting for men upon their own preferences and judgment?—A. Many are not; they depend upon others more than the white voters generally, because they are uneducated. Men of my own color will deceive their color, as well as white men. White men can deceive them better, because they are educated.

By Mr. ELDRIDGE:

Q. Who edited this paper when Mr. Williams's speech was reported?—A. I do not recollect. I heard the speech, and, so far as read, it is substantially correct.

Q. Did you oppose the loan?—A. Yes, sir.

Q. Did you make speeches against it?—A. Yes, sir.

Q. Did you vote at all on it yourself?—A. No, sir.

Q. Do you know any one who was influenced either by money or by intimidation to vote for the loan?—A. I do not personally.

Q. Do you know of the use of any money?—A. No, sir.

Q. Was money offered to you?—A. No, sir; I informed them that no man must offer me any money.

Q. You have been a leader among your people on election days?—A. I have always taken an interest among our people to instruct them, as they were uneducated; and tried to see that no advantage was taken of them.

Q. When you spoke of distributing votes, you did not allude to the last election?—A. No, sir; I have opposed some of the men of my own color, and have been abused by them because I expressed my sentiments against certain men. There seemed to be more interest in the last election generally than usual.

Q. More in the loan than in electing a Delegate to Congress?—A. I suppose some did; the loan brought in a different class; some interested for money, and some for politics.

Q. Do you know of money being used in other elections?—A. Yes, sir.

Q. Was any treating done at the other elections?—A. Considerable.

By Mr. PHILLIPS:

Q. Have you been in the employ of Mr. Albert Grant?—A. No, sir.

By Mr. ELDRIDGE:

Q. Did you vote on the loan on either side?—A. No, sir; I think there were tickets at the polls against the loan in the morning.

By Mr. STARKWEATHER:

Q. For whom did you vote for Delegate?—A. Mr. Boswell. I did not know whether he was in favor of the loan or not.

By Mr. CREBS:

Q. How long before the last election was the meeting at which Mr. Williams made the speech which has been referred to?—A. The election was on the 21st of November; the meeting was on the 12th of October.

Q. What proportion of the people of your district are laboring men?—A. A large portion of them; mostly colored men. Many of them have been in the habit of laboring on the streets.

By Mr. ROOSEVELT:

Q. Do you know whether colored men were imported from Maryland or Virginia, outside?—A. Yes, sir; men were brought in from Maryland who worked on Seventh street inside of the boundary; and men were brought in from Alexandria to work on the canal.

Q. Did they vote?—A. I do not know rightly whether they did or not.

Q. Were many brought in?—A. There were on Seventh street. I saw fifteen out of eighteen that were brought from Alexandria.

By Mr. HARMER:

Q. Were they brought here to work, or vote; or both?—A. I do not know; but I know they were residents of Alexandria.

By Mr. ROOSEVELT:

Q. Did you have any conversation with any of them about voting?—A. No, sir.

Q. Did you see them vote at the polls?—A. No, sir; it was before the election.

By Mr. CRANE:

Q. Have you not knowledge of intoxicating liquors being dealt out at the polling places?—A. I did not see it; only its effects.

By Mr. ROOSEVELT:

Q. Do you know that it has been threatened that if the democrats were successful they would restore slavery?—A. I have heard that frequently; and have had to fight against it; and tried to instruct them to know better than to believe such a thing.

WASHINGTON, D. C., March 12, 1872.

The following list of contracts was presented this morning by Mr. Phillips, in response to a request by Mr. Green:

1. Contract No. 26, executed with Riley A. Shinn.
2. Contracts Nos. 20 and 63, executed with Patrick Cullinane.
3. Contracts Nos. 29, 70, 107, 145, 159, and 194, executed with Lewis Clephane.
4. Contracts Nos. 36 and 41, executed with John O. Evans, president W. A. Company.
5. Contracts Nos. 27, 31, 32, 42, and 214, executed with L. S. Filbert.
6. Contract No. 24, executed with Daniel A. Connolly.
7. Contract No. 152, executed with Albert Campbell and Charles H. Eslin.
8. Contract No. 103, executed with Samuel Strong.
9. Contracts Nos. 2a, 3a, 160, 183, 186, and 215, executed with Albert Gleason.
10. Contracts Nos. 1, 4, and 165, executed with Frank H. Finley.
11. Contract No. 143, executed with Henry Wingate.
12. Contract No. 8, executed with James Fitzpatrick.

No contract for Seventeenth street between Pennsylvania avenue and G street, northwest has been awarded to James Fitzpatrick.

13. Contract No. 5a, executed with Messrs. Teemyer & Co.

WASHINGTON, D. C., March 12, 1872.

GEORGE E. BAKER duly sworn and examined.

By Mr. GREEN:

Question. Please state your name and office.—Answer. George E. Baker, comptroller of the District.

Q. Please state to the committee what was the amount realized to the District treasury by the one million five hundred thousand bonds that were sold.—A. One million four hundred and ten thousand dollars.

Q. Was that in currency or in gold?—A. Currency.

Q. Are you acquainted with the officers of the First National Bank, New York?—A. Yes, sir.

Q. With the stockholders also?—A. I know several of the stockholders.

Q. I hand you the Bankers' Magazine for March; are the names of the officers of that bank correctly given there?—A. Yes, sir, I think so.

Q. Will you read them?—A. "President, Samuel C. Thompson; cashier, George F. Baker; assistant cashier, Ebenezer Scofield; notary public, Fisher A. Baker; directors, Samuel Thompson, John Thompson, F. F. Thompson, George F. Baker, and E. Scofield."

Q. What is the family connection, if any, between the three Thompsons there mentioned?—A. John Thompson is the father; the other two are his sons.

Q. Is the cashier, George F. Baker, a relative of yours?—A. He is a son.

Q. Who is the other Mr. Baker?—A. He is a brother of mine; he is a lawyer in New York.

By Mr. COOMBS:

Q. When were the \$450,000 water-bonds sold?—A. The 1st of November, I think. The statement which has been furnished and published is correct.

Q. When did the election take place by which the four-million loan bill was approved?—A. On the 22d of November. The sale was dated back as to the commencement of the interest, because the bank had advanced us money. The sale did not actually take place till some time after the election. The interest was calculated to be due from the 1st of November.

Q. How long was interest paid before the bonds were sold?—A. We were waiting for a rise when they were first issued, and the bank held them until they got up to par; meanwhile we were drawing against the bonds as we needed the money.

Q. Was interest accruing all the time?—A. Yes, sir.

By Mr. CRANE:

Q. Out of what funds was the fitting up of the Morrison building paid?—A. Out of the general fund, an appropriation made by the legislature.

Q. Did that pay the entire expense of fitting up the building?—A. All the bills were paid that were audited.

By Mr. CREBS:

Q. Can you fix the date when the bonds began to draw interest?—A. Yes, sir; the 1st of November—the water-bonds.

Q. Can you fix the time when they were sold?—A. I think it was about the 8th of December; between the 1st and the 8th.

By Mr. COOMBS:

Q. What rate of interest do these water-bonds bear?—A. Seven per cent.

Q. Where were they sold?—A. In New York.

By Mr. CRANE:

Q. Was this amount all deposited in the First National Bank of New York?—A. Yes, sir.

Q. Does the bank pay any interest for it?—A. No, sir.

Q. Why do you allow the District funds to lie without interest?—A. Because we do not know when we may want them. It is liable to be drawn at any time for improvements.

By Mr. GREEN:

Q. Has the \$1,410,000 been deposited in the banks of the city here?—A. Except what was wanted to take up some notes issued in anticipation by the government, under the law of the legislature.

By Mr. PHILLIPS:

Q. During the time these bonds were negotiated, were you drawing out funds as fast as needed?—A. Yes, sir.

Q. Then it was the same as having the money draw interest, was it not?—A. Yes, sir.

Q. How much was the value of the notes taken up?—A. Five hundred thousand dollars of one issue, and \$250,000 of another.

Q. Do you know the condition of the old city-hall? That portion occupied by the city of Washington?—A. I am acquainted with those rooms.

Q. Were they in any degree adequate to the needs of the District?—A. There was no room for the board of public works, nor for the District treasurer, and the rooms for the other offices were wholly unsuitable.

By Mr. ELDRIDGE:

Q. Were there any rooms suitable for the legislature to meet in, in the city-hall?—A. I think the judges have all certified that there were not.

Q. What accounts of the city do you keep?—A. All of them.

Q. Is the old indebtedness in your care?—A. Yes, sir; I have the accounts of it. It properly belongs to the commissioners of the sinking fund to take charge of the old debts.

Q. Where are the taxes passed in from the collector?—A. Into the treasurer's hands.

Q. Will your statement, which you are to present on Thursday, show the amount of taxes received?—A. I think it will.

Q. Do you keep an interest account of these bonds?—A. Yes, sir; certainly.

Q. You answered Mr. Phillips that these bonds were drawing interest, and that was equivalent to having the money drawing interest; how do you explain that?—A. I mean that we had drawn the money in anticipation of the sale; a portion of it before the bonds were actually sold.

Q. And the interest commenced on the 1st of November?—A. Yes, sir.

Q. And the bonds were not actually transferred till the 8th of December?—A. No, sir.

Q. Did the bank charge interest on all they advanced?—A. They did not charge interest, it was allowed as part of the negotiation after the thing had transpired. We sold the bonds at par.

Q. With interest added?—A. No, sir; at the actual principal of the bonds, and thus we allowed them the interest that had accrued; balancing the interest we should have had to pay if the money were borrowed, but the balance was not very much.

By Mr. COOMBS:

Q. Were the bonds, to the amount of \$750,000, issued before the four-million loan bill was passed?—A. I think about the same time.

Q. Had any bonds been issued before that bill passed?—A. I cannot tell exactly without the records.

By Mr. ELDRIDGE:

Q. To whom are these notes running?—A. First National Bank of New York.

Q. What rate of interest do they draw?—A. Seven per cent.

Q. What notes were given?—A. Signed by the governor, and they recite that they were by authority of a certain act of the legislature.

Q. Have these notes been taken up?—A. Yes, sir.

WASHINGTON, D. C., March 12, 1872.

GEORGE W. LINVILLE duly sworn and examined.

By Mr. CRANE:

Question. State your name and occupation.—Answer. George W. Linville; I am a dealer in lumber and am a contractor.

Q. Are you the contractor for paving Third street, northwest?—A. Yes, sir; from Indiana avenue to New York avenue.

Q. When did you procure that contract?—A. Within the last two months.

Q. From whom did you receive the contract?—A. Mr. E. F. M. Fates.

Q. Was that awarded to him?—A. Yes, sir.

Q. Was any one interested in that contract but Mr. Fates when you bought it?—A. Not to my knowledge.

Q. What is the amount of the contract?—A. I am not certain; it may be 25,000 yards.

Q. How much did you pay, or agree to pay, for this contract?—A. I assumed Mr. Fates's indebtedness. I took off the material that Mr. Fates had on his hands.

Q. Did you bid on the work before it was awarded to Mr. Fates?—A. No, sir.

Q. Have you bid on any other work?—A. No, sir.

Q. Have you tried to get any work from the board of public works?—A. I did, on one occasion.

Q. How much was that work per yard?—A. Three dollars.

Q. Would you have done the work at \$2 70 per yard?—A. I would have, if I could have furnished the lumber in the beginning.

By Mr. CREBS :

Q. What kind of pavement is this prismatic pavement ?—A. The blocks are all cut in a triangular form.

Q. What is the foundation ?—A. Sand.

Q. Do you do the whole work ?—A. I have the whole.

By Mr. PHILLIPS :

Q. What is your occupation ?—A. I am in the lumber business and, I suppose, contracting.

Q. How long have you been in the lumber business ?—A. Since 1862.

Q. Has any one been interested with you in this contract, any member of the government ?—A. No, sir.

Q. What kind of pavement are you laying on Third street ?—A. It is not fully determined. It is my impression that the blocks now on hand will be laid so far as they go. I think it is likely the rest will be the Ballard pavement.

Q. Are you an owner of property in the District ?—A. Yes, sir.

Q. Where ?—A. Principally on Capitol Hill.

Q. Has there been any appreciation of property in the city on account of improvements ?—A. I can only speak of my own experience. My sympathies are for the improvements, and, if I was able, I would buy all the vacant lots that were to be had. (The witness here stated a large number of instances in which he had made purchases of lots within the last year and a half, many of which he had recently sold for more than double the price he had paid for them.)

Q. Do you know about other appreciation of property in consequence of contemplated improvements ?—A. I have heard of such things.

Q. What is the general effect of the proposed improvements contemplated by the board of public works, so far as your observation extends ?—A. Healthy, sir. I have done a large amount of business the last year, and should have done a much larger amount if I had run the same risks that I did two years ago. If the attention was turned to building the class of houses that is needed in Washington, instead of those which cost \$25,000 apiece, it would be impossible to supply the demand. I am putting up a large number of houses, costing from \$800 up to \$1,700, and they are taken as fast as they can be supplied.

By Mr. ELDRIDGE :

Q. What class of people are buying these small houses ?—A. They are mechanics. They are houses that can be sold from \$2,000 to \$4,000.

Q. Are they laboring people who buy them ?—A. Yes, sir.

Q. Are they principally white or colored men ?—A. They are white men.

Q. Is this the case anywhere except on Capitol Hill ?—A. I don't think it is very much. Land is held too high in the principal parts of the city. I have bought, within three squares of the Capitol, lots at 10 cents per foot.

By Mr. PHILLIPS :

Q. You think the increase has been about 100 per cent., so far as your observation goes ?—A. It has with all with which I have had anything to do.

WASHINGTON, D. C., *March 12, 1872.*

Governor H. D. COOKE recalled :

By Mr. GREEN :

Question. Will you state to the committee under which act of the legislature the bonds for the four million loan were negotiated ?—Answer. Under the first act.

Q. Can you tell whether that loan was advertised and put upon the market in Europe as a loan authorized by an act of Congress and voted on by the people ?—A. I have no knowledge on that subject personally.

Q. Have you seen the advertisement produced by Mr. Roosevelt taken from Galignani's Messenger ?—A. I saw a copy in a newspaper. I have no knowledge of the authenticity of the statement.

Q. Was the first loan voted upon by the people ?—A. No, sir. The proposition to borrow four millions for improvements as embodied in the second I considered would apply equally to the first, and it was submitted to the people and sustained by them. I considered this an old question continued and to be a question on which the people were to express an opinion by their votes in order to give evidence of the sentiment of the District. It was so expressed in my letter which is on file.

Q. Do you know the quotation at which the loan was disposed of in Europe ?—A. I would state that my negotiation was entirely with parties in the United States ; they disposed of the loan to European parties through the house of Seligman & Co. At the time the new

government went into operation our bonds were quoted at about 80 to 85. There was no outside market for them whatever to any extent. Most of them were held at home. I sincerely believe that no large amount, say \$500,000, could have been thrown upon the market without still further depressing them. I do not believe they would have brought the price at which they were quoted.

Q. Did you see a cable telegram last summer giving the rate at which these bonds were disposed of in Europe?—A. Yes, sir; it was received by the press.

Q. Do you know the quotation?—A. It is my impression that it was 87½ in gold.

Q. You are familiar with foreign exchange and the negotiation of loans?—A. Somewhat so.

Q. You are president of the First National Bank of Washington?—A. Yes, sir.

Q. I see here in the Bankers' Magazine for March that United States bonds are quoted in London at 91½ to 93, and in New York at 109½ to 115½; explain to the committee the difference between these quotations?—A. That is made by the difference in the standard of the coinage—American and English coinage.

Q. What is \$1,000 in United States currency at 4s. 6d. to the dollar sterling money?—A. One thousand dollars at 4s. 6d. to the dollar, equals £225. This calculation, however, gives no idea of the actual value in London of \$1,000 in New York, because both the rate of exchange and the premium in gold are ignored; \$1,000 currency, taking gold at 109, and the dollar at 4s. 6d., equals £206 3s. 9d.; \$1,000 currency, taking gold at 110, and the dollar at 4s. 6d., equals £204 10s. 11d.; \$1,000 currency, taking exchange at 109½ and gold at 109, equals £188 1s. 9d.

Q. This magazine (Bankers' Magazine for March) is good authority?—A. It is generally so considered.

Q. Will you state what was the average premium on specie in New York in 1871?—A. It is stated here at 112. I presume that 12 per cent. is correct.

Q. Then I will request you to furnish the committee an estimate showing what would be the value of a thousand-dollar bond sold in Europe at 87½, with 10 per cent. added for premium exchange, and 10 per cent. instead of 12 for the gold premium?—A. I will state that this negotiation was made, as far as this government was concerned, with the First National Bank of New York. Of course what they got for the bonds is a matter that we had nothing to do with.

By the CHAIRMAN:

Q. You sold them to this bank at a certain fixed price?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. What price?—A. Ninety-six and a half, with a commission of 2½, netting 94.

By Mr. ROOSEVELT:

Q. Who got that commission?—A. The First National Bank of New York. The commission was deducted so that the bonds netted 94.

By Mr. GREEN:

Q. You have stated that a bill of the First National Bank of New York on London would not be as much of a banker's bill, as if drawn by Duncan & Sherman, for instance?—A. I am not sufficiently familiar with the business of the First National Bank to make that broad statement. But banker's bills are generally understood to be those of bankers engaged in the foreign exchange business.

Q. Can you state to the committee why you negotiated through the First National Bank rather than through those other banking-houses that have been named?—A. Yes, sir; because I got aid from them when I could not get it elsewhere. I applied for negotiating a very small loan, last summer, and had partially effected a negotiation for the money, at six per cent., when rumors came of disaffection in the District and efforts were made that impaired our credit. Papers were circulated throughout New York which frightened the bankers and they declined to take it. The First National Bank came to my rescue, and I succeeded in negotiating the loan, though I had to pay 7 per cent., which I considered a very good negotiation, and it was so considered at the time, without any commission or discount.

By Mr. ELDRIDGE:

Q. Was there any guarantee on those notes?—A. No, sir.

By Mr. GREEN:

Q. Was there any guarantee by the First National Bank upon the bonds disposed of in Europe?—A. I do not know.

Q. Mr. Baker has testified in regard to the officers of the First National Bank, that among them there is one father and two sons by the name of Thompson?—A. I believe that is correct.

Q. Is that John Thompson, the old note-broker of New York?—A. I believe it is.

Q. Does not that show a pretty close corporation?—A. I do not know what relevancy that question has to this investigation. The corporation is authorized by law, I believe.

By Mr. HARMER :

Q. Could these bonds have been placed to better advantage than you placed them in the First National Bank?—A. No, sir; it is the best negotiation that has been made for the last five years, perhaps, by any city.

By Mr. CHIPMAN :

Q. Explain the reason why.—A. Because, as I said some time ago, the credit of the city was at least 14 per cent. below the price I got for the bonds.

By Mr. ROOSEVELT :

Q. Is there any connection between the First National Bank of New York and the First National Bank of Washington?—A. No, sir; not the slightest.

Q. Who are the directors of the First National Bank of Washington?—A. Mr. Fahnstock, Mr. Huntington, Mr. Willis, myself and others; they are all published here.

Q. Have the two banks business relations?—A. I think we make their current collections here.

Q. Do you send your collections to them?—A. No, sir; we send them to Jay Cooke & Company.

Q. Was that commission divided in any way, or did it all go to the First National Bank of New York?—A. It went, so far as I know, to them; I don't know that any other persons received any portion of it.

Q. Do you know how that loan was advertised abroad; whether it was advertised as indorsed by the United States?—A. I saw a copy of what purported to be an advertisement in the newspapers after the loan was negotiated. I never authorized any such advertisement.

Q. Do you know whether any member of the board of public works knew of that form of advertisement at the time?—A. No, sir; I do not.

Q. If you had seen it, would you have objected to it?—A. I do not remember sufficiently well the phraseology of the advertisement to know whether I would or not.

Q. Did you see it in the English papers?—A. I do not recollect that I did.

By the CHAIRMAN :

Q. If I understand you, your dealing was wholly with the First National Bank of New York?—A. Yes, sir; I agreed to sell the bonds to the bank at the price named.

Q. You had nothing whatever to do with their negotiation beyond that, at home or abroad?—A. No, sir; except this, that Mr. Baker told me that he would bring in Mr. Seligman to negotiate them abroad. I told him that was a matter entirely for himself to determine. My sale was to his bank and he could do as he chose.

Q. Did it make any difference to you or your treasury whether the amount that they received for them was more or less than they gave you?—A. No, sir; it made no difference to us. The negotiation abroad was a matter of their own entirely.

By Mr. CREBS :

Q. Were they acting as your agent for the government or was it an absolute sale by you to them?—A. My first arrangement was to sell them at 96½, less the commission of ½ per cent. Afterward I had some conversation with Mr. Baker in reference to the time of their delivery. I told him I didn't want to deliver the bonds faster than the proceeds would be wanted. We probably shall want the whole of them during the year 1872. That was according to the law.

Q. What was the date that those bonds bore?—A. We paid interest only from the date of receipts of the proceeds of the bonds. The whole issue are on the market, or have been sold. The interest will be equated as fast as the bonds are sold and proceeds realized.

By Mr. CHIPMAN :

Q. Did you have any conversation with banking men or leading financial men in regard to the negotiation, as to whether it was a good one or otherwise?—A. I had a conversation with Mr. Riggs; I told him I thought I could get 95 cents, and he said that would be a splendid price for them.

Q. Have any financial men or bankers expressed disapprobation on account of the sale?—A. Not one; on the contrary I have been universally congratulated upon the success of the sale by bankers and by our best citizens.

Q. Did you yourself or anybody else derive any benefit from the sale other than from the price you got for the bonds?—A. Not to my knowledge.

By Mr. GREEN :

Q. Why should a commission be given under such circumstances, where there is an actual sale?—A. Because they took all the risks of the market. We have received advices within the last week that they have gone down 3 per cent. That illustrates the risks bankers take. That was based on unfounded reports that have been circulated in Europe, of the same character that we had to meet before we could sell the bonds. I think that referred to Mr. Sumner's bill introduced into the Senate.

(Witness here introduced some telegrams and letters on this subject to illustrate the risks which the holders of the bonds had assumed.)

By Mr. ROOSEVELT :

Q. Did you have a communication with Seligman at the time the loan was originally negotiated abroad?—A. No, sir; not at the time, but a day or two afterward I received a telegram congratulating me on the good credit of the District.

By Mr. ELDRIDGE :

Q. Had the board of public works anything to do with the negotiation of the loan?—A. No, sir; all these risks are covered by the $2\frac{1}{2}$ per cent.

By Mr. ROOSEVELT :

Q. Were you authorized to sell these bonds at any price you pleased?—A. The price was not limited for the first loan.

Q. Then under the law you could sell at 90 or at 80?—A. Yes, sir.

Q. You were not to consult anybody else at all?—A. No, sir.

By Mr. ELDRIDGE :

Q. Is this building that the board of health are occupying one that they have hired for themselves?—A. Yes, sir; I had provided them quarters in the building at the corner of Seventeenth street and Pennsylvania avenue, but the rooms in that building were needed for the surveyor's and engineer's department, and the board of health desired a more convenient location and made this change. Their rooms are now nearly opposite the Ebbitt House.

Q. From whom is this house at the corner of Seventeenth street and Pennsylvania avenue rented?—A. Thomas B. Florence, at \$125 per month.

Q. You say that "the amount appropriated by the legislature for fitting up the Morrison building was \$48,720, which sum has been paid?"—A. Yes, sir.

Q. You say further, "this includes the necessary furniture of the building, as well as the construction of a fire-proof building, four stories high, for the preservation of the records of the District;" are we to understand from this answer that that \$48,720 pays the whole cost of the Morrison Building except the balance due the carpenter?—A. I believe there are some other items not adjusted; I think it is all, except that of the carpenter and one bill for some iron-work; Colonel Magruder has the matter in charge.

By Mr. ROOSEVELT :

Q. You don't know the amount still unpaid definitely?—A. No, sir; not definitely.

By Mr. GREEN :

Q. In your letter of February 7, on page 191, you say, "among the special items of expense thus incurred was the publication of the two acts in relation to the four-million loan, as required by the organic act, in at least two newspapers for three months before the election; as also the necessary blanks, papers, and tickets connected with the vote on the loan bills;" I want to ask you if it was not your understanding, and the general understanding of the people, that the District government were to furnish the tickets both for and against the loan?—A. Yes, sir; and those were my instructions.

Q. Have you learned officially, in any way, of the fact that the tickets against the loan bill were carried to District Attorney Cook's office, and there kept, so that the people could not get them?—A. No, sir; I have not learned, officially, any such fact.

Q. Have you learned it unofficially?—A. No, sir; on the contrary, Mr. Cook has assured me that anybody could have had the tickets who desired them; that there was no disposition or intention to keep them back.

By Mr. ROOSEVELT :

Q. Do you know whether they were distributed or not?—A. I was informed that they were.

Q. Were there many remaining over?—A. A large number remained over.

Q. Were equal numbers printed for and against the loan?—A. Yes, sir; I simply contented myself with executing the law in providing the tickets; they were left at the office of the district attorney because it was a convenient place.

By Mr. GREEN :

Q. Were not those offices closed on that day?—A. I don't think that office was closed.

Q. Was not the Morrison building closed—the front door?—A. I was not there; I don't know.

By Mr. ELDRIDGE :

Q. Have you seen the testimony of Mr. Searle?—A. No, sir; I have not seen any of it.

Q. In his testimony he says the total cost on the Morrison building was something over \$84,000; what does that mean; how do you reconcile that with your answer?—A. It means

this: Mr. Searle was employed as the architect of the building; when the building was nearly completed, the legislature being then in session, and the appropriation bills pending, I called upon him for an estimate of the cost of the work; he gave me his figures, which were somewhat below \$48,000, and that amount was incorporated in the appropriation bill; a few days afterward I saw him again, and he said that on further calculation he found that the figures were too low, and the appropriation was accordingly increased to between \$48,000 and \$49,000; a few days afterward, a short time before I left for a brief visit to Europe, I received a letter from him, giving the aggregate of \$54,000, and explaining this increase. I was very much surprised, (not to state the case any more strongly,) and wrote to Mr. Searle immediately, and put the whole matter in the hands of a committee, to sift the thing to the bottom; the committee consisted of Mr. Mullett, Colonel Magruder, and Mr. Shepherd; they appointed a board of experts to make an examination of the work, going over it all in detail, and making calculations and estimates, and reported what the work had cost. This, of course, consumed several weeks; they reported upon all the different bills as furnished by Mr. Searle, making large deductions. A great many of the holders of these bills accepted payment of their work on the basis of the report made by the experts, leaving, if I am correctly informed, one or two bills outstanding; the carpenter's bill, and one for some iron-work about the windows. I think the bills thus reduced amount to about \$60,000; I account for the difference between the two statements by the fact that Mr. Searle's bill included his estimates before any deductions were made. The deductions cut it down something over \$20,000.

By Mr. ROOSEVELT:

Q. Do you know why the superintendent and architect were both employed on that building?—A. Mr. Naylor was the builder, who employed the men to do the work, and, as usual, an architect was employed to make the plans for the work.

Q. Was Mr. Naylor paid by commission on all the bills?—A. He was paid for the work done, I believe. He was not paid any commission. If he claimed it, it was not allowed. He did the work himself, with his own men. I have built a good many houses and employed an architect and a builder.

Q. Would it be usual in such a case as that of the Morrison building to employ a builder as well as an architect?—A. I think so. I suppose the architect would have to oversee the work and make the plans. I am not familiar with the details of the matter. I could not, of course, give my personal attention to the fitting up of that building. I left it to competent parties, as I supposed, to do it.

By Mr. ELDRIDGE:

Q. Under whose personal charge was that done?—A. Under the charge of a committee, whom I designated.

Q. Which of the board had charge of it?—A. Mr. Shepherd, more particularly.

Q. Who had charge of settling the accounts?—A. Colonel Magruder was one of a committee of three, Mr. Shepherd, Mr. Mullett, and Colonel Magruder.

By Mr. ROOSEVELT:

Q. Mr. Shepherd did considerable of the work for the building?—A. I think he did some of the plumbing.

Q. Has he done other work for the District government?—A. I don't know that he has done any except this, and some work for the school-board, and all was done by his firm. I could not state whether he had or had not done other work, but my impression is that he has not.

Q. Has any other member of the board done any work for the District?—A. I am not aware that any member of the board has, or furnished any material, or had any contracts.

By Mr. GREEN:

Q. On the 20th of December a resolution was adopted by the house of delegates calling upon you for the entire cost of printing since the territorial government; have you ever made any reply to that?—A. I think it was all furnished to the proper committee when they were making their appropriations; that is my impression.

Q. On the 4th of January another resolution was passed for a statement of the total amount of work contracted for since June. Did you ever make any reply to that resolution?—A. My impression is that I did. I could not say positively.

Q. I wish you would answer that in writing.—A. I will do so.

(Afterward the witness stated that he had ascertained that he referred the resolution to the board, and that the house adjourned before any answer could be prepared.)

Q. On the 11th of January there was still another resolution inquiring whether any bonds of the first four-million loan had been hypothecated?—A. That communication was answered by the controller of the District.

By Mr. HARMER:

Q. Have you ever hesitated to answer a requirement of the legislature in any manner?—

A. Never, intentionally. If it has been omitted it was an inadvertence. I say that with out any hesitation whatever.

By Mr. ROOSEVELT :

Q. Why was F street cut down?—A. Because it was deemed an important part of the system of improvement in that section of the city. It would give better drainage and sewerage, opening the streets, of course, between it and Pennsylvania avenue, at right angles down toward the river, so as to give a better slope for drainage; and, also, it was deemed a most economical plan for obtaining earth for the filling in of the streets below; and because we were advised by the surveyor of the city that that was the original grade, made many years before; and we thought that while making the improvement we would adhere to the original grade.

Q. Was there not a sewer laid in F street before this grade was changed?—A. I believe there was; but without reference to that, I believe the change was judicious.

Q. Can you point out other considerations for the change than those you have named?—A. Those can best be judged of by a personal inspection.

Q. Cannot you describe them further?—A. Not very well.

Q. What kind of pavement are you laying in the city?—A. There are some wooden, some concrete, and some stone.

Q. Have these pavements been tested?—A. Yes, sir; in other cities.

Q. Where?—A. Philadelphia, Chicago, Brooklyn, New York, and elsewhere.

Q. Were the pavements in these cities examined before you adopted these plans?—A. Yes, sir; we got all the best lights we could.

Q. Which pavements have you decided to be the best?—A. We have not decided yet, because they have not had a fair trial here. They have not been tried long enough.

Q. Then the board have come to no conclusion as to which is the best?—A. No, sir; no positive conclusions. I only speak of the test here.

Q. Have they been tested in other cities so as to enable you to form a judgment which is the best?—A. Yes, sir; in Chicago and San Francisco wooden pavements have been down many years with good results.

Q. What form of patent?—A. I think nearly all.

Q. Did the board know whether they were all equally good?—A. I think their merits were so nearly equal that it was difficult to say which was absolutely best.

Q. Are you laying more wooden, or concrete pavements?—A. I think there are more wooden, though we have stopped now on account of the weather.

Q. Has the concrete pavement been tested anywhere?—A. Yes, sir; the finest pavements I ever saw were concrete pavements in Europe, and they have been tested in some parts of Philadelphia and in Brooklyn.

Q. Did the board have these pavements examined?—A. Yes, sir.

Q. Did they not find that when subjected to heavy travel they are destroyed?—A. I think not when properly laid.

Q. Did they ever hear of the pavement on Fifth avenue?—A. Yes, sir; but everybody knew it was laid just like plastering, and perfectly clear surface. It was not amalgamated of the different substances making a solid concrete.

Q. Did the board go on to make the examinations?—A. Not specially for that purpose. Members of the board were there occasionally and examined these things when there.

Q. Did they make any official report of this examination?—A. No, sir; there is no official record of that. The members of the board got such information as they could by reading and inquiry, and by personal examination also.

Q. Now to come directly to the point, do you think it wise to undertake this enormous expense in laying untried pavements in this city?—A. I do not consider them untried.

Q. Well, pavements a large portion of which have failed?—A. I do not think they have failed. I know the wooden pavements have succeeded in San Francisco and in Chicago, where they have much heavier travel than we do here. I think New York is an extreme case.

Q. Did you ever examine the pavements in Chicago personally?—A. I did, and found them in good condition, although they had been subjected to very heavy travel. That is the testimony in Chicago. And I have talked with many there about it.

Q. Do you think it was judicious to incur so heavy an expense for that style of pavement?—A. Yes, sir; I do.

Q. Do you know what it will cost to finish these pavements?—A. That is all here in the estimates, I believe.

By Mr. CHIPMAN :

Q. Has the pavement in front of the Arlington been down for some time?—A. Yes, sir; it has been down over two years, and stands admirably. It is now in good condition. It is better than that in front of the President's House, but that was laid in frosty weather, and the composition had not time to harden properly, owing to the cold weather.

Q. Then you don't regard that as a test?—A. No, sir.

By Mr. ROOSEVELT :

Q. No one of your board went to these cities for the express purpose of examining the pavements?—A. No, sir; no one was sent on, having his expenses paid for that purpose.

Q. You made no special examination as a board on this subject?—A. Not that I am aware of.

Q. Did you inquire of your engineer, Mr. Greene?—A. Yes, sir; I think so.

Q. In what way did he report on the subject?—A. I don't know that I ever saw anything in condemnation of it.

Q. Did you ever hear him say anything in favor of it?—A. I do not know how he expressed himself, but am informed that he expressed a preference for wooden pavements. I wish to say that, although I am a member of the board of public works, as to the details of these matters, I am not as familiar as those who have devoted all their time to the subject.

Q. You do not really know whether any special investigation was made before this immense amount of work was undertaken?—A. I know that every means was taken, by inquiries and personal examination in different cities. One member of the board is now attending a meeting of persons who have come together from all parts of the country to discuss questions in regard to these matters. Our future operations will be based very much, probably, upon the conclusions arrived at by that meeting.

Q. Did you apply to any engineer for advice?—A. We had an engineer in our board whom we considered as competent as any one.

Q. What was his opinion?—A. He was in favor of adopting both kinds of pavements; he thought both would stand. We had the opinions from many persons who had had practical experience in the business of laying pavement.

Q. Did you talk with any experienced engineers in regard to concrete pavements?—A. No, sir; except as before stated.

By Mr. CREBS :

Q. Is the pavement that you are putting down like that at the Arlington?—A. The specifications are substantially the same, I believe.

Q. Do you know, of your personal knowledge, whether they are put down according to the specifications?—A. I have understood they are.

Q. Do you know how the pavement in front of the Arlington was put down?—A. I paid no special attention to it, as it was put down before the creation of the new government.

Q. Are the specifications for your work that it shall be exactly such a pavement?—A. No, sir; I think not.

By Mr. GREEN :

Q. Who were the individual members of the board who made a report as to the result of their observation upon wooden and concrete pavements in other cities?—A. I think all members of the board gave us such information as they had; there was no formal report. We have expressed our views and compared notes frequently.

Q. Did Mr. Shepherd examine into that subject in New York until quite lately?—A. I think he did, somewhat.

Q. You were present at the meeting held in June, 1871, when General Meigs, General Humphreys, Captain Patterson, General Michler, and Dr. Hall, and others, expressed their views in reference to the canal; will you tell why, after that interview with those gentlemen, the board changed their plans, and determined to fill up the canal from Third street to Seventh street?—A. The board did not change their views, as I understood it. They were merely getting opinions, and had not arrived at any conclusions at that time.

Q. Can you state the reasons for filling up the canal?—A. Because, after the most mature deliberation, it was thought that was the proper disposition to make of it.

Q. Why fill it up between Third and Seventh streets?—A. I suppose that was the best place to begin. The engineer can tell you why that was preferred.

Q. Do you know whether that had anything to do with the establishment of a railroad depot right there?—A. No, sir; it is the first time I ever heard of the suggestion. I don't think it had the slightest connection with that subject. I never heard it referred to directly or indirectly.

Q. Are we to understand that you propose to fill up the balance of the canal?—A. Yes, sir; I think the majority of the board have come to the conclusion that it is best to fill up the canal westwardly.

By Mr. COTTON :

Q. It has been stated that at the meeting referred to just now, when General Meigs and others were present, you remarked that the facts presented amounted to a demonstration in favor of dredging out the canal.—A. I was very much pleased with the exhaustive manner in which this subject was discussed, and I think my remark, if I made it, (of which I have no recollection,) must have had reference to the necessity of doing away with the malarious influence of the canal and to wipe out the pest and source of disease. I must have referred simply to the necessity for prompt action to wipe out this nuisance.

By Mr. PHILLIPS:

Q. I have been informed by the controller that the principal of the four-million loan is payable in currency; is that your information?—A. That is my information.

Q. These bonds were negotiated by you as governor of the District, and had passed into other hands; was it before or subsequent to that time that they were advertised in Europe?—A. It was after that time.

By Mr. ROOSEVELT:

Q. Did you ever contradict that advertisement?—A. I never knew of it till after the bonds were sold, and I had then no evidence of its authenticity.

By Mr. CHIPMAN:

Q. Did you have any interest whatever in the matter of the negotiation of the bonds or anything pertaining to them after you sold them in New York?—A. No, sir.

At the close of the examination the following memorandum of question was furnished to witness:

Governor Cooke will please submit to the committee by to-morrow morning, in figures, showing what will be the product *in currency* of a \$1,000 bond sold at London at 87½, gold, taking 10 cents for the rate of exchange, and 10 cents for the gold premium.

BEN. E. GREEN,
Of Counsel.

MARCH 12, 1872.

To which the following reply was subsequently received:

MARCH 14, 1872.

DEAR SIR: In answer to Mr. B. E. Green's question of March 12, I inclose statement of the actual result of a sale of a \$1,000 bond sold in London, computed upon the basis of 109 for gold and 109¾ for exchange, which rates prevailed at the time of sale, instead of the arbitrary rates assumed by Mr. Green—the price being realized in London for the bonds being 87½. I have been informed that the bonds were sold deliverable in installments as given in the statement. The custom being to sell bonds flat, that is including interest, I have deducted the interest which the seller has to pay from the amount realized. I have also deducted expenses for expressage or freight, insurance, advertising, and brokerage, which, according to our own experience in negotiating new and unknown loans, ranges from 3 to 5 per cent. In the estimate I have fixed the average at 4 per cent.

Very truly, &c.,

H. D. COOKE.

Hon. W. E. CHANDLER.

District of Columbia loan placed in London, January 9, 1872, at 87½, say at 4s. 6d. to dollar; \$1,000 bond equals £196 17s. 6d.

Subscriptions payable—	
25 per cent., January 15	£56 5 0
30 per cent., February 1	67 10 0
32½ per cent., March 1	73 2 6
	196 17 6

Gold, 108¾ to 109¼; short exchange, 109¾ to 109¾; say 109 for gold and 109¾ for exchange = 119¾; to reduce to currency...	£196 17 6
Less loss of interest on instalments	2 13 6
	194 4 0 = \$1,032 50

currency, or 103¼.

From which should be deducted expenses for expressage, insurance, advertising, (which is very heavy in introducing an entirely new loan, especially under adverse circumstances,) brokerage, &c., for all of which a low estimate would be 4 per cent., gold, \$40 at 109 premium	43 60
\$1,000 nets	988 90
or a fraction over 98¾ per cent.	

WASHINGTON, D. C., March 13, 1872.

THORNTON SMITH recalled.

By Mr. GREEN:

Question. Have you seen the statement of the remarks by Colonel Magruder in regard to your pavement?—Answer. I have not.

Q. Make your own statement in regard to your patent and pavement.—A. I was a bidder

on these contracts, and on inquiring of S. P. Brown why I was not awarded the contract, I was informed by him that there were strong objections made in the board of public works against the pavement in the Agricultural Department grounds, and that it was considered worthless. He agreed that he knew that to be incorrect, and the best reason he could give why I did not get the contract was, that I had not hung round the board of public works; that I had been too independent. Mr. Brown subsequently showed me a paper signed by certain property-holders, asking that I might have the laying of a pavement similar to the one at the Agricultural Department, and he wanted me to make a bid. I declined. Shortly after, some property-holders on G street were complaining of the pavement which the board were putting down, and wanted me to try to get my concrete pavement put down. I declined as being of no use. I had a conversation the next day with Mr. Brown about this street. He said the work had been stopped till spring at the request of the property-holders. He said I was wrong in my idea about that contract; that the ward politicians would not allow the board to adopt my pavement. The best evidence of the value of my pavement is the report of the Commissioner of Agriculture for 1868, Colonel Capron.

[The testimony in regard to this pavement, as found on page 11 of the report, was then read.]

By Mr. ELDRIDGE:

Q. When was that laid?—A. In June and July, 1867

[A letter signed by General Babcock and indorsed by Colonel Magruder and others was also read, expressing approval of Mr. Smith's pavement.]

By Mr. GREEN:

Q. In what respect is the concrete pavement laid by the board defective?—A. The pavement is not laid according to the specifications. There is only two inches of concrete instead of six.

[The specifications were then read and compared. The witness stated that the pavement in front of the Arlington was made the model, which was the Scharff pavement, under patent of 1869, but that when the present contracts were made the specifications embodied the patent of 1871.]

Q. Wherein does the pavement laid fail to come up to the specifications?—A. It fails, as four inches of broken stone are used instead of four inches of concrete. Then there are two inches of concrete on the top. The ratio of the expense would be very nearly two-thirds, if properly done according to the contract.

Q. What is the thickness of the concrete?—A. Two inches. In New York there is no pavement laid with less than four or five inches of concrete for a carriage-road. Two inches is used, only used for ordinary side-walks.

By Mr. PHILLIPS:

Q. Why did you not state your conversation with Mr. Brown when you were here before?—A. I was not asked.

Q. Where did that occur?—A. Riding up the avenue with him in his carriage.

Q. Where did the second conversation with him occur?—A. In Mr. Brown's office.

Q. Who were present?—A. Several gentlemen.

Q. Did you ever see the gentlemen before?—A. Yes, sir, and since. I do not know the names; but I know the men when I see them. I see them almost every day.

Q. How many were present?—A. Two or three, at least.

Q. And you did not know the names of any of them?—A. I did not.

Q. Did they hear this conversation?—A. They did.

Q. Who of the citizens on G street asked you about laying your pavement?—A. Mr. Cowan was one; he has since died.

Q. Any other?—A. Yes, sir; Mr. Gardner.

Q. Did you ever see the Scharff-Scott pavement laid?—A. I did.

Q. Where?—A. In front of the Arlington and in front of the Treasury.

Q. Did you lay that pavement?—A. I did not.

Q. How does that differ from the pavement in front of the President's House?—A. That in front of the Arlington is solid concrete six inches deep. It was put down there as a card by which to get the laying of Pennsylvania avenue. Since that there has not been any like it.

Q. Are you certain of that as you are of anything?—A. I am as certain as I am that I see you now.

Q. Was there not quite a bed of three or four inches of broken stone laid first?—A. I tell you there was not a broken stone put there; they were already mixed and as black as coal when they were dumped. They were mixed at the foot of K street before they were brought there. I know how these streets have been laid; I have had nothing to do all summer but watch these pavements; and I have watched them thoroughly.

By Mr. ELDRIDGE:

Q. Did you say there was a foundation of stone in front of the Arlington?—A. No, sir; nothing but dirt. They did not need anything more, if they would have a solid concrete.

Q. Was the pavement in front of the Arlington made according to the specifications of the patent of 1869?—A. No, sir. There is not a pavement in this town laid according to the patent of 1869. And then they got out a new patent; and they have not laid a pavement according to the new patent.

By Mr. CREBS:

Q. Did you make bids for the contracts?—A. I had three bids; from \$2 25 to \$2 85. I made no bids except for my own patent.

WASHINGTON, D. C., March 13, 1872.

H. F. ZIMMERMAN recalled.

By Mr. GREEN:

Question. Have you made the examination of the furniture in the Morrison building and in Metzerott's Hall as requested by the committee? Are you prepared to report?—Answer. Yes, sir; I would state we went through the Morrison building and measured the carpets and took an account of the furniture, estimating the prices as stated in that bill. We put the price of the articles of furniture down to the rates at which we would sell them at private sale at retail, when regular, anywhere in the city, and if we had contracted for such a number of articles as were furnished by Mr. McKnight we could have reduced the price from 10 to 15 per cent., not including the carpets. We found a deficiency in the measurement of the carpets in Metzerott's Hall of about 157 yards; in the Morrison's building we found a deficiency of 94 yards. The Metzerott Building had a platform across the entire building, on which there had been carpeting, and that was removed, as we were informed, to Mr. McKnight's shop, on B street. I sought Mr. McKnight, and he showed me the carpet he had in his possession, which he said he was holding subject to the order of the board of public works. He had it there, with their consent, as I was informed. It had been paid for, however, and he held it for them. We make the amount of expenses for furniture and carpeting for the Morrison building, \$14,541 53; and we make that for Metzerott's Hall, \$4,856 65.

Q. I understand that these are full retail prices?—A. Yes, sir.

Q. And that upon a bill approaching the size of this you could have reduced these prices from 10 to 15 per cent.?—A. If there had been bids asked for we could have afforded to furnish them at those prices.

Q. What was the character of the carpets?—A. Body Brussels of fine quality. They were fine enough for any department; a very fine quality of carpeting.

Q. Would not a much cheaper quality of carpeting answered all the purposes?—A. I don't know but that it might. I think a carpet worth \$1 50 per yard would have been quite sufficient.

Q. Are these offices very much frequented?—A. I saw many persons there the day I was there.

Q. Did you go through all the rooms in the Morrison building?—A. Yes, sir.

Q. Was there much furniture there besides that which was furnished by McKnight?—A. There were some tables and chairs furnished by Mr. G. M. White.

Q. Did you see any sign upon the building of Mr. McKnight in B street, indicating who was the owner of the shop?—A. I didn't.

Q. Have you stated in your report the sum total of the difference between the prices paid for this furniture and those which you and Mr. Moses agreed upon?—A. No, sir; we didn't make that.

Q. Do you know whether there was any entrance to that shop of McKnight?—A. No, sir.

By Mr. PHILLIPS:

Q. In your conversation with Mr. McKnight about the carpeting, didn't he say that it was held subject to the order of the legislature?—A. I understood the board of public works; I am not positive.

Q. Did any one point out to you the articles furnished by McKnight, as you went around in Morrison's building?—A. We went around once by ourselves, and we went around a second time with a man by the name of Marshall, who knew all about the furniture and took us through the rooms.

Q. Did you call on Mr. McKnight to point out the furniture?—A. No, sir.

Q. Why not?—A. I didn't know that we were authorized to do that. We asked Mr. Marshall to tell us which furniture Mr. McKnight had furnished.

Q. Who is he?—A. A colored man; I suppose the janitor of the building.

Q. Then you had neither Mr. McKnight nor any of his assistants to show you?—A. No, sir; we had the bill as furnished by the committee.

Q. Have you furnished any goods for any of the departments in the city?—A. I have.

Q. What?—A. For the Census Bureau and the Pension Office, and some for the Land-Office. During 1871 I furnished goods for the Census Bureau.

Q. Were the prices charged by McKnight in excess of those charged by you?—A. They were.

Q. How much?—A. The prices of the double desks were higher than I furnished them for. The prices were generally higher from 10 to 15 per cent.; but I know when I furnished the Census Bureau I did it at very reasonable prices.

Q. Do not good carpets last longer than inferior ones?—A. Yes, sir.

Q. Is not that your experience as an expert?—A. Yes, sir.

Q. So that although you pay the higher price it may be good economy, because it would last longer?—A. Yes, sir.

By Mr. CREBS:

Q. How did you furnish the Census Bureau; by bids?—A. No, sir.

By Mr. HARMER:

Q. Do carpets measured after they are put down hold out as measured in the piece?—A. We allowed a good margin for turning under and of patterns.

Q. Do you know whether Mr. McKnight is an agent for the sale of furniture?—A. Not to my knowledge; I have heard that he has made sales to individuals.

Q. As an agent for a New York house?—A. No, sir.

By Mr. PHILLIPS:

Q. Is there any unfriendly feeling between you and Mr. McKnight?—A. No, sir.

By Mr. CHIPMAN:

Q. Does McKnight sell by samples?—A. Yes, sir.

Q. Do you want to leave the impression on the committee that he does not deal in furniture?—A. No, sir; he sells furniture to any one whom he can.

Q. Is not that his business?—A. I think that is his business.

Q. Does he not sell by samples and by patterns, instead of keeping a warehouse?—A. Yes, sir.

Q. Do you know how long he has been engaged in this business?—A. I think about two years.

By Mr. ROOSEVELT:

Q. Have you the same items in your bill that Mr. McKnight had?—A. We have.

Q. There is no difference, then, except in the number of yards of carpeting?—A. That is all.

By Mr. ELDRIDGE:

Q. Did you call Mr. McKnight's attention to the discrepancy between the amounts of the carpeting?—A. Yes, sir.

Q. What explanation did he make?—A. He said it must be there, for he had furnished it.

Q. Was it possible that that amount could have been turned under?—A. We allowed a pretty good margin for turning under. I think there could have been no mistake; we allowed sufficient, and measured the entire building twice.

Q. Did Mr. McKnight go with you either time?—A. No, sir; but I understood that he went over it with a workman, and made it a good many yards less than he had really furnished.

Q. Is McKnight a dealer in carpets as well as in furniture?—A. I suppose he would furnish that the same as furniture.

By Mr. PHILLIPS:

Q. Was this Brussels carpeting?—A. Body Brussels.

Q. Was there any other carpet but the cocoa matting?—A. No, sir.

By Mr. ELDRIDGE:

Q. Who helped you measure it?—A. Mr. Moses and two young men—one to measure, and one to put down the number of yards.

Q. How did you measure it?—A. We measured the length of the room, counting the breadths of carpet, and then made the calculations.

By Mr. HARMER:

Q. Are carpets lower now than at the time when this purchase was made?—A. No, sir; the prices are about the same.

WASHINGTON, D. C., March 13, 1872.

Mr. E. L. STANTON, by permission of the committee, made an explanation. He said he was informed that on Monday Mr. Green had made some remarks about his furnishing information to the committee, which conveyed an imputation against himself. He was sur-

prised, and considered any imputation of his unwillingness or dilatoriness in furnishing what was called for very unjust. He had misunderstood a request about leaving the contracts with the clerk. The law made him responsible for the contracts, and he thought that nothing but the law could relieve him from that responsibility. He had declined to leave the contracts here, but he came up with the contracts again on Friday, and they had been here. Reference was then made to correspondence which had passed between himself and Mr. Green.

Mr. GREEN then stated his understanding of the matter, and presented printed copies of the correspondence, which were directed to be placed on record. They are as follows:

“WASHINGTON, March 7, 1872.

“SIR: We desire to put you to as little trouble as possible. The board of public works have printed forms of contracts, requiring very little writing to furnish us with copies. Copies were promised us from the beginning, but as yet we have them not. I understand you to object to the time and trouble of furnishing us copies of the few contracts we have asked for.

“Now, I make this proposition:

“1st. If you will leave the contracts which we have called for with Colonel Tenney, clerk of the Committee on the District, so that we can have them when we may need them before the committee, it will save you or your clerk's attendance. You can take Colonel Tenney's receipt for them, to be returned to you when no longer required before the committee.

“2d. If you will furnish us with the printed forms, we will employ a clerk to copy such contracts as we may wish to use.

“Please be before the committee to-morrow at 10 a. m. with the contracts we have heretofore called for, as we desire to arrange for some plan by which we can get possession tangibly of copies of the few contracts we desire to make the subject of investigation.

“These are—

“1st. The contract with Riley A. Shinn for grading and sewer on Bridge street, Georgetown.

“2d. All contracts with P. Cullinane.

“3d. All contracts with Lewis Clephane, individually or as president of the Metropolitan Paving Company.

“4th. All contracts with J. O. Evans, individually or as president of the Washington Asphalt Company.

“5th. All contracts with L. S. Filbert.

“6th. Contract with D. A. Connolly for H street, from Second to Boundary.

“7th. Contract with Campbell & Essling for Eighth and Tenth streets east.

“8th. Contract with Samuel Strong for curbstones, and any and all other contracts with Samuel Strong.

“9th. All contracts with Albert Gleason.

“10th. All contracts with Frank Findley.

“11th. Contract with Henry Wingste for market-house.

“12th. Contracts with James Fitzpatrick for Eighth street east, between G and I streets south, and Seventeenth street west, between Pennsylvania avenue and G street northwest.

“13th. All contracts with Teemyer & Co. in reference to the canal, and especially the contract for the James Creek Branch referred to in the letter of J. M. Brown, secretary to J. H. Teemyer & Co., dated August 11, 1871.

“Yours, &c.,

“BEN. E. GREEN,
“Of Counsel.”

“E. L. STANTON,

“Secretary of the District of Columbia.

To which Mr. Stanton replied as follows:

“WASHINGTON, March 11, 1872.

“DEAR SIR: The copies indicated in your note will be prepared at once.

“Yours, &c.,]

“E. L. STANTON.

“General BEN. E. GREEN, &c., &c.”

WASHINGTON, D. C., March 13, 1872.

ALEXANDER R. SHEPHERD duly sworn and examined.

By Mr. COOMBS:

Question. You were appointed to examine the bills for work on the Morrison building by the governor?—Answer. I was.

Q. What did those bills amount to; and how much did you reduce them?—A. The bills as presented amounted to about \$84,000. The measurements made by Mr. Rankin, the sworn measurer of the government, and by Mr. Cluss, an architect, reduced the bills to \$58,000.

Q. Have those bills been settled?—A. All except Mr. Nailor's bill and a bill of the Architectural Iron Works, which was \$2,900. The measurers allowed for that \$1,900. Nailor's bill came to about \$24,500. The measurers allowed \$15,000. Mr. Nailor objected to the award, and I suggested to the governor that each one appoint an arbitrator to consider the points of difference, which was done, and the arbitrators awarded Mr. Nailor about \$400 more than the measurers had allowed him.

Q. How much has been paid altogether for fitting up and furnishing the Morrison building?—A. The total amount paid has been about \$58,000, probably.

Q. What fund was that paid from?—A. Forty-eight thousand dollars was paid out of a general fund, appropriated by the legislature for the building of fire-proof vaults, and about \$10,000 was paid by the board of public works, as their proportion of the expenses, they using one of the vaults, and a portion of building.

Q. From what appropriation was that paid?—A. An appropriation for the board of public works for contingent and ordinary expenses made by the legislature.

Q. I have a paper here signed by Benjamin N. Meeds, auditor for the board of public works, in which I find one item of expense for fitting up and furnishing offices in the Morrison building, for the use of the board, \$10,891 52; is that correct?—A. I suppose it is. (Various other items were specified from the same paper, in regard to which the witness expressed the opinion that they were correct.)

Q. The items which I have read make up some \$60,000.—A. The appropriation was made by the legislature of \$48,000; the bill of expenses amounted to about \$58,000. The item charged of \$10,800 and odd is for the original outlay in fitting up the Morrison building. Other expenses have been made since, which are enumerated in these various items. If you take the \$48,000 appropriated by the legislature, add to it the item of \$10,000, more or less, it makes up the amount which I said, about \$58,000; about \$10,000 of the cost will be paid by the board of public works as their proportion.

Q. Is this \$10,000, which you say is the share of the board of public works, to be paid in addition to the \$48,000?—A. Yes, sir; it goes to make up the \$58,000.

Q. These items are for expenses incurred in fitting up and furnishing Morrison's building?—A. Yes, sir; the smaller items are for things needed by the employés of the board of public works after they entered the building. They were purchased as needed, and were not provided for in the original bills.

Q. I see, charged as for the pay for the employés, clerks, messengers, and watchmen, the sum of \$10,831 37 is put down. How many clerks, messengers, and watchmen are there in the employ of the board of public works?—A. We have put all that before the committee half a dozen times; it is on record here.

Q. I see an item for the payment of employés, clerks, messengers, and watchmen in the contract office. Is there a messenger there?—A. I cannot say.

Q. Is there a watchman?—A. There are two or three in the building, night-watchmen.

Q. I understand there are ten different offices where watchmen or messengers are specified as being employed; are there so many offices that employ these persons?—A. I do not recollect; I suppose it is a formal way the auditor has of entering the items. Our business is divided under different heads. I think the contract office has no messenger, and I suppose this explanation will apply in some other cases.

Q. Then what is put down as the pay of clerks, messengers, and watchmen, means clerks simply?—A. It means one or the other. We shall bring a detail statement, with vouchers, as soon as they can be prepared.

Q. When was the Morrison building rented and the work of fitting it up commenced?—A. I do not recollect.

Q. Was it before the meeting of the legislature?—A. I think about the time of the meeting of the legislature.

Q. Under what authority of law did the board feel authorized to rent this building?—A. They did not rent the building and have not incurred the expense.

Q. Who did it?—A. The governor of the District.

Q. Under what law?—A. Under the law of necessity.

Q. There was no expressed authority of law for it?—A. I suppose the organic act gave him all necessary power about the holding of elections and whatever was necessary in getting the new government started.

Q. Do you think there was an absolute necessity for this before the legislature met?—A. I think it was an absolute necessity, and it was the best money the District ever spent.

Q. Didn't the legislature meet early?—A. About the 15th of May.

Q. When did the board of public works commence operations?—A. We were put in power on the 16th day of March; were sworn in at that time. Then the question arose between the mayor and the board of public works as to our respective powers, which was subsequently determined by the courts in our favor.

Q. Was not that a very short time before the legislature met?—A. Probably within a month.

Q. Do you suppose there was a pressing necessity for renting a building, and fitting it up; that you could not have waited a few weeks for the legislature to meet and authorize such an expenditure?—A. The organic act provided that this new government should go into power on the 1st day of June; as I said before, the governor was authorized to make provisions for holding elections and starting the new government. The city hall, which was held by the old corporation, was occupied. The city hall had eighteen rooms in it, not more than eight habitable ones; it had two old vaults; the council-chamber was occupied during the day by the courts of the United States; the aldermen's room was occupied by the orphans' court; and some of the other rooms were occupied by the recorder of deeds, so that it was absolutely necessary to make some provisions for the accommodation of the new government, especially as it was in contemplation to have things kept in a more systematic manner than they had been heretofore; and the governor thought it necessary to enter into negotiations for the Morrison building, and did so. He asked me to go and look at it. I examined it and ascertained what the rent would be, and that there were some forty-five or fifty rooms in it. I reported to him that I thought the rent was cheap. The governor concluded that it was needed, and I say now, frankly, that I think he was right. It was necessary to have some accommodations for the officers of the District government, and the governor took the responsibility of fitting up the building. I will guarantee that the Government of the United States pays on an average more for the rent of buildings than the District pays for this. So much for the charge of extravagance.

Q. I was simply asking for your authority.—A. I have answered that the governor thought he had the authority, and took the responsibility of doing it.

Q. Was not the legislature to meet in a few weeks?—A. They were; we commenced some time in April to fit up this building.

Q. Would there have been any great loss or inconvenience to have waited and asked the legislature for authority?—A. That is a matter for the governor to decide. I think there would have been, as the corporation of Washington was continued, and was occupying its building till that time. I don't see how the governor could have started the new government in buildings already occupied.

Q. You stated that it was an absolute necessity to have rooms to accommodate the District officers. What District officers were there previous to the meeting of the legislature besides those created by the organic act, namely, the board of public works, the governor, and secretary?—A. No others.

Q. Don't you think these officers could have found accommodation without renting and fitting up that building, at so great an expense, till the legislature would meet?—A. I said it was the governor's duty to prepare quarters for the District officers when the new government should go into operation.

Q. When did the board of public works create this number of offices that we have heard so much about: was that before or after the legislature met?—A. It was afterward; they were not created until the necessity arose for them.

Q. How many of these bureaus were there?—A. There are none by that name now. When I was made the executive officer of the board, I abolished them all, and put the matter in the charge of clerks and superintendents.

Q. I was asking you as to the time these were created?—A. I think it was in July.

Q. Was the legislature in session then?—A. Yes, sir.

Q. When did you create the office of the chief engineer of the board of public works with the salary of \$8,000?—A. I think it was in June or July. We were a long time looking for a man that was qualified and would suit us.

Q. When did you create the office of auditor?—A. As soon as we began the disbursing of money; we created none till the legislature met.

Q. And you created them while the legislature was in session?—A. Yes, sir.

Q. Did you apply to the legislature for power to do this?—A. No, sir.

Q. Did you suppose the board of public works had power to do this?—A. We considered ourselves a co-ordinate branch of the government, having power to appoint our own officers.

Q. Didn't you consider creating the offices a legislative power?—A. We didn't consider the appointing of engineers and clerks the exercise of legislative power.

Q. What number of offices altogether did the board create?—A. We created some six or eight heads, or superintendents, or chiefs. We called them first chiefs of bureaus. We found that was too heavy, and I abolished them, and called them chief clerks and superintendents.

Q. You say you abolished them?—A. Yes, sir.

Q. You say that the board has power to create offices and you have power to abolish them?—A. I have the power to discharge any officer, as the executive officer of the board, whom we appoint. So far as the creation of offices was concerned, it was simply the selection of men to do certain duties such as should be assigned to them.

Q. In creating an office, did you enter an order to that effect on your records?—A. We kept a record of everything we did.

Q. You say you didn't suppose the board of public works possessed any legislative power?—A. I don't think that the board of public works is a legislative body.

Q. I notice in the newspapers an ordinance or act purporting to be passed by the board of public works imposing a penalty upon every man who failed to keep the gutters cleaned out, and giving the police court of the District jurisdiction to punish the party. Was not that a legislative power?—A. No, sir.

Q. Do you suppose that the board of public works conferred new jurisdiction upon the court?—A. No, sir; I think the board of health could pass an order for the prevention of the spread of small-pox; just so can the board of public works, who are placed in charge of the streets and the avenues of the city, with all powers over them, make the necessary regulations to keep them in repair, and for keeping the gutters cleaned out and stagnant water from forming in pools.

Q. And if a man does not do it, you think the board have power to confer upon the courts the right to impose penalties?—A. The board did it; it is for the courts to decide whether they had the power.

Q. Under what authority of law was the canal filled up?—A. Under an act of Congress which was passed, authorizing it to be converted into a covered sewer, if necessary.

Q. Do you think filling up the canal is the same thing as converting it into a covered sewer?—A. I do.

Q. What is the office of a sewer?—A. To convey filth and drainings. In filling up the canal it was found cheaper to make an intersecting sewer along Missouri avenue. The canal had been ordered to be filled up as a nuisance before we did anything in the matter.

Q. Do you agree with the governor and Colonel Magruder about filling up the remainder westward?—A. I do most undoubtedly.

Q. It is your intention to do it?—A. It is.

Q. Then a sewer will have to be extended as far as the canal is filled up?—A. Certainly.

Q. Will that be of the same dimensions as at the Missouri avenue?—A. That is a matter which is under consideration. A plan for the work was made by General Green, and it was made in accordance with the plan.

Q. What do you suppose would be the cost of building such a sewer as would carry off the drainage, as far as you fill up the canal to Seventeenth street?—A. I suppose it would not exceed that of the Slash Run sewer; about \$17 a foot.

Q. What is the size of that sewer?—A. I think, nine feet high and about twelve feet wide.

Q. Will a sewer of that size, from Third to Seventeenth streets, with the bottom nearly on a level with the water of the river at low tide, so that the water at high tide will rise some three feet in the sewer, carry off the drainage of all the lateral sewers that are to run into it?—A. I think it would, just as well as this open ditch, called a canal, would do it, and a good deal better. A sewer properly constructed, with the necessary man-holes and gates, and with an arrangement for flushing it out at low tide, could be made a perfect success.

Q. Do you know what is the area of the water-shed that would be drained into the sewer, north and south?—A. We have the figures, and they can be produced. It is a matter of calculation. A competent engineer can tell exactly what is necessary. We have the rainfall, and all the data necessary to make the calculation.

Q. You do not claim that the board of public works had any other authority for filling up the canal, except the act of Congress providing for cleaning it out, or converting it into a covered sewer?—A. We have the additional authority of the board of health, who notified us that they had declared it a nuisance, and ordered us to abate it, under the law of Congress giving them this power.

Q. You were present at a meeting of the board of public works when General Humphreys, Captain Patterson, General Meigs, and Dr. Hall were present?—A. General Humphreys and Captain Patterson were not present; General Meigs, Dr. Hall, a little fellow named Philip, who is employed on the Patriot, (newspaper,) and one or two others, were there. I heard all the conversation.

Q. You read Captain Patterson's communication, did you?—A. I looked over it.

Q. Have you or any of your engineers been able to discover any error in the calculation of Captain Patterson?—A. I do not know that any have gone over it.

Q. Is the error in his estimates, as a matter of science, admitting his data to be true?—A. I do not recollect the weak points, but think generally his deductions are strained and erroneous, and the whole letter a piece of special pleading.

Q. Did you ever go to New York to examine concrete and wooden pavements in that city?—A. I have been there, and examined pavements there.

Q. Do you know of any of the Scharf pavement being laid there?—A. I never saw any there.

Q. Did you inquire about the cost of concrete pavement in New York?—A. Yes, sir; in New York and Brooklyn, too.

Q. What were the prices?—A. I found they were paying from four to five dollars for concrete.

Q. Can you state on what streets they were laid at such prices?—A. I cannot. In Brooklyn I know there are many streets paved with concrete. I think in Brooklyn they were laid

as low as \$3 50, which is as low as they are ever laid. I think they were the Scrimshaw and Evans pavements.

Q. Do you know of any 5-inch concrete pavement laid in New York?—A. I never heard of any concrete pavement classified in that way.

Q. Did you ever consult Mr. Stebbins, the president of the public parks in New York, on the subject of concrete pavements?—A. I never met him.

Q. With whom did you consult in New York on the subject of the suitability of the different kinds of concrete pavement, and the cost?—A. I do not know that I ever consulted with anybody; I examined them all.

Q. How did you learn what was the cost?—A. By inquiring of the parties who laid them—the proprietors of the Scrimshaw pavement, and the Evans Concrete Company.

Q. Who went with you to New York when you made these inquiries?—A. I have been there half a dozen times, and I make inquiries every time. I went on to Boston two years ago with Mayor Emery and General Michler and one or two others, and while there we examined the subject of wood pavements pretty thoroughly.

Q. Do you know what their wood pavements cost?—A. Three and a half and four dollars.

Q. What patents have they?—A. They have nine different patents on Columbus avenue.

[The auditor's statement, which follows, was ordered to be attached as evidence :]

Statement of expenditures by board of public works up to and including March 4, 1872, under the acts of the legislative assembly approved August 23, 1871, appropriating \$35,000 and \$67,000, respectively, for the contingent expenses of the board of public works, including advertising, printing, stationery, pay of employés, clerks, watchmen, &c., which appropriations are found on pages 112 and 139 of the Acts of the Legislative Assembly of the District of Columbia, first session of 1871.

Advertising	\$5,167 86
Board of public works:	
Expenses and furniture	3,574 59
Fitting up and furnishing offices in Morrison building for use of board...	10,891 52
Pay of employés, clerks, messengers, and watchmen	10,831 37
Books, blanks, and stationery	1,817 37
Superintendent of canal:	
Expenses and furniture	25 75
Books, blanks, and stationery	15 15
Pay of employés, clerks, messengers, and watchmen	402 50
Superintendent of public property:	
Books, blanks, and stationery	499 93
Fencing property-yards, and furniture	828 81
Pay of employés, clerks, messengers, and watchmen	3,710 86
Book-keeper, books, blanks, and stationery	87 88
Superintendent of contracts:	
Expenses and furniture	52 00
Books, blanks, and stationery	560 42
Pay of employés, clerks, messengers, and watchmen	2,129 43
Engineer's office:	
Books, blanks, and stationery	1,664 11
Expenses, instruments, and furniture	3,442 88
Pay of employés, clerks, draughtsmen, messengers, &c	22,647 61
Superintendent of sewers:	
Expenses and furniture	30 20
Books, blanks, and stationery	696 05
Pay of employés, clerks, messengers, &c	1,790 14
Auditor's office:	
Expenses and furniture	207 07
Books, blanks, and stationery	850 87
Pay of employés, clerks, and messenger	1,484 99
Assessor and collector:	
Expenses and furniture	281 00
Books, blanks, and stationery	703 05
Pay of employés, clerks, and messenger	700 00
Paymaster's office:	
Expenses and furniture	51 80
Books, blanks, and stationery	196 95
Superintendent of streets:	
Expenses, instruments, and furniture	695 90
Books, blanks, and stationery	903 17
Pay of employés, clerks, messengers, and watchmen	3,087 70

Superintendent of lamps:	
Expenses and furniture	\$11 50
Books, blanks, and stationery	130 10
Pay of employés, clerks, messengers, and watchmen	336 67
Superintendent of buildings: Books, blanks, and stationery	133 50
Vice-president's office: Books, blanks, and stationery	195 00
Legal expenses—injunction—Board of Public Works <i>vs.</i> Mayor of Washington.	575 00
Total amount	81,410 70

BENJAMIN N. MEEDS,
Auditor Board of Public Works.

WASHINGTON, D. C., March 16, 1872.

A. R. SHEPHERD recalled and examined.

By Mr. COOMBS:

Question. Do the board of public works claim to have any authority to make contracts, except in pursuance of appropriations made by law?—Answer. No, sir.

Q. Will you state to the committee under what authority you made your first improvement contracts?—A. We made our first contracts under what is known as the five hundred thousand dollar law, an act approved August 11, 1871, which provides, "That the governor is hereby authorized to anticipate the revenue of the District which may arise from the assessment and collection of taxes during the current year to the amount of \$500,000, which sum shall be expended and disbursed for the improvement and repairs of the streets, avenues, alleys, and roads in the said District, and for the construction and repairs of sewers, bridges, and other public works therein, according to the provision of the thirty-seventh section of an act of the Congress of the United States, entitled 'An act to provide a government for the District of Columbia,' approved February 20, 1871." Section 2 says: "That, in view of the emergency arising from the necessity for the improvement and repairs of the streets, avenues, alleys, sewers, roads, and bridges in the District of Columbia, this act shall take effect immediately upon its passage."

Q. You say that you made your first contracts for improvements in pursuance of that act; did you not make contracts before that act was passed?—A. We did not.

Q. You had work in progress, did you not?—A. The work on the canal was in progress, and the work on M and Seventh streets was in progress. Both these were transferred to the control of the board of public works by act of Congress. We also did some cleaning of the streets and alleys, which was done by the governor, under authority vested in him.

Q. Did you not also have work going on in cutting down F street before any law was passed?—A. No, sir; that was done under the authority of the old law of the corporation of Washington.

Q. Will you quote that law?—A. That has been quoted half a dozen times before this committee.

Q. You mean the act appropriating \$600?—A. Yes.

Q. Under that act you commenced to grade F street, and various streets in connection with it?—A. No, sir; we did not; the work on F street was commenced under that act by the corporation. Nothing was done on any of the other streets, that I am aware of.

Q. Are you not mistaken about that? I think I remember foundering in Nineteenth street.—A. You probably refer to the dirt removed from F street, which was dumped on Nineteenth street to grade it.

Q. Does the act of the legislative assembly which you have just quoted make any appropriation for carrying on specific work?—A. I think it does appropriate \$500,000, to be expended for improvements, such as the board commenced work upon.

Q. That refers to the thirty-seventh section of the organic act. Is not that the very section that declares that the board of public works shall have no power to make contracts to bind the District to the payment of any sum of money, except in pursuance of appropriations made by law, and not until such appropriations shall have been made?—A. Yes, sir.

Q. Now, if this money is to be expended in pursuance of that act, it can only be expended in carrying out appropriations made by the legislature.—A. I do not see the point of your statement. The law requires that we shall not enter upon any of these improvements without the appropriation being made. This appropriation was made before we started on the work. You will notice that there is an emergency clause to this act, which makes it go into effect from the day of its passage.

Q. Then you claim that you could expend that \$500,000 without any regard to this general plan of improvements which you have adopted; is that what the board claim?—A. Yes; I think we could. I do not see any reason why we could not; the law is certainly sufficiently wide in its scope to allow us to do it.

Q. That, then, is your construction of the law, and that is what I wanted to get at. Then all the other contracts you have made which were not made in pursuance of that law have been made under the appropriations of the four million act?—A. Yes, sir.

Q. Now, do you not understand the last clause of the first section of that act as a limit, confining you substantially to the general plan which was communicated to the board of public works under date of June 20, 1871?—A. It says as fully as may be practicable, consistent with the public interest.

Q. And I suppose you understand that that leaves you some discretion?—A. Certainly.

Q. Now the first clause of section 2 of that act says "That in no case shall the said board enter into a contract for any work or improvement, the cost of which shall exceed the amount estimated therefor in its aforesaid plan, less 20 per cent. of said estimates;" do you understand that you can let out by contract any work estimated for in that general plan for more than the amount estimated for in that plan, less 20 per cent.?—A. I believe that the average of our letting has been at a greater reduction than 20 per cent. of these estimates; our estimates were based upon the old prices. For instance, in the improvement of a street some portion of the work may not be at a reduction of more than 10 per cent. on the old prices; as for laying foot-pavements, the old corporation price was 91 or 92 cents; we lay them at 80.

Q. There is nothing in this act about the old corporation prices?—A. No; but the estimates we submitted were based upon the prices which had before been paid.

Q. I do not care anything about the old prices; what I want to know is, whether you have not done a good deal of this work at a cost exceeding that named in your estimates?—A. No, sir; all the wood and concrete pavements have been done at about 25 per cent. less than the prices in our estimates.

Q. Is it not true that not one-tenth of the improvements you have commenced have been in accordance with that general plan you submitted?—A. I do not know; we have given you exactly what has been done and contracted for.

Q. What do you understand by the language, "That in no case shall the said board enter into a contract for any work or improvement the cost of which shall exceed the amount estimated therefor in its aforesaid plan, less 20 per cent. of said estimates?" Does not that refer to the particular details of the work as specified in that general plan?—A. I regard it as referring to the general cost of improvements.

Q. To illustrate: Suppose there is an estimate in that plan for the improvement of a street from a given point to a given point, and that estimate is a thousand dollars for the improvement, do you understand that you have authority to let a contract for the same improvement of that street at the rate of \$10,000, and to make up the difference on some other street?—A. If we changed the character of the improvement, most certainly we have a right to expend a different amount; for instance, if the plan is for a macadamized road, and we find it necessary to pave the street with wood, we have the power to increase the cost of the improvement.

Q. Then what effect does this limiting clause upon the power of the board of public works have? Is it, in fact, any limit at all?—A. Certainly; and we have kept within the restrictions imposed upon us to the letter, if you take the aggregate of the improvements.

Q. Do you undertake to say that the aggregate cost of the improvements you have already put in has been 20 per cent. less than the estimates you made on these particular streets between the points for which you have contracted?—A. Certainly not; I do not say that.

Q. What do you mean, then, by saying that, on the average, you have kept within this limit?—A. I mean that the average prices, as paid by the board, are fully 20 per cent. less than the prices in the estimates.

Q. But you have done four or five times as much work on the same street as called for in that general plan?—A. That does not affect the relative difference between the prices; as I understand it, you are asking for the difference between the prices we pay and the prices named in our estimate.

Q. The act does not state anything about prices, does it?—A. The language of the act has just been quoted.

Q. You seem to think that if you put in five times as much work, and the work is let at as low a rate as is estimated for, you have conformed to the act?—A. I do, sir.

Q. And that, although the actual cost was five times as much for that particular work?—A. Certainly; because a larger amount of work was done. As a matter of course, if you put a wooden pavement upon a street, the aggregate cost of the work on that street would be increased beyond the estimate for a macadamized pavement.

Q. In regard to the arching of Tiber Creek, your estimate was \$60 per lineal foot; the cost of the arching, as far as it has gone, largely exceeds that, but I see it stated that the intention is to contract it in size rapidly as it progresses northward, so that the whole cost will probably come within the estimate?—A. Yes, sir; considerably inside the estimate.

Q. Mr. Bartlett says in his evidence that the size of the arch is to be reduced until, at the upper end, it will only be two feet in diameter?—A. Mr. Bartlett knows nothing about it; General Green is the only man who can give you that information.

Q. What is to be the size at the upper end?—A. I cannot state.

Q. How, then, can you state that it will come within your estimate as to its cost?—A. By knowing that the computations have been made.

Q. Can you give any approximate statement as to its size at the upper end?—A. I cannot state what it is to be; common sense would dictate that when you are building a sewer that shall be sufficient for the drainage required, you will decrease its size as you progress toward the upper end, just in proportion to the requirements for the area to be drained, so that the sewer will be shaped like a funnel. Accurate calculations have been made as to the cost of constructing it, and, as I remember, the entire cost will be considerably less than \$400,000.

Q. If you do not know the size at the upper end, what is your estimate based upon?—A. Upon facts and figures which I can produce, but I cannot carry them in my head.

Q. What do you suppose the size will be at the upper end?—A. I will not venture an opinion. I will give you the exact statement, with all the figures, if you desire.

Q. What proportion of the water that is to be carried off by that Tiber Creek sewer falls north of Boundary street? Can you state the proportionate area to be drained north and south of Boundary street into that sewer?—A. You have a map of the city here. The idea of the board, as originally stated, has been changed somewhat. The engineer is now figuring out a system of drainage by which that portion of territory west of Eighth street, which is now drained into Tiber Creek, shall be taken to Rock Creek. Then the portion between Eighth street and probably Second or Third street east—the valley of the Tiber—will be drained into Tiber Creek; and the area east of that will be drained into the Eastern Branch.

Q. Do you know the number of acres, north of Boundary street, contained in the area to be drained into Tiber Creek?—A. I cannot state from memory; I can furnish you the figures if you desire them.

Q. Mr. Mullett, in a paper sent to the committee from the office of the chief engineer of the board of public works, dated 1871, states the number of acres drained into Tiber Creek north of Boundary street and the number of acres within the city; and the proportion is less than one-third in the city.—A. If you really desire to obtain the exact information, I will get General Green to send you the exact figures.

Q. Now, if two-thirds of that area to be drained by that sewer lies north of Boundary street, then the sewer will not bear a reduction in size of more than one-third, will it?—A. Yes, sir; because we propose to divide the area that is to be drained, turning a large portion toward Rock Creek, and a large portion toward the Eastern Branch.

Q. I am now speaking of the figures as given by Mr. Mullett.—A. Mr. Mullett gave the figures, I have no doubt, correctly, based upon the entire area now drained into Tiber Creek.

Q. How can you change that result? Do you intend to tap the Tiber sewer and carry off a portion of the water in one direction and a portion in the other?—A. No; but, as I stated before, we propose to take a section west of Eighth street, which now runs through various channels into the Tiber, and carry the drainage to Rock Creek, and, as I stated, to turn the drainage of the eastern portion of the city into the Eastern Branch.

Q. Would that make much difference if you do not take it outside of the boundary?—A. Certainly; if you carry it in three sewers instead of one, the same size will not be required.

Q. Then why could you not make the same reduction in size at the lower end as at the upper end?—A. The idea is to continue the Tiber arch at the size that they are now at work on it as far as Indiana avenue, and then to reduce the size as lateral sewers come in. I have sent to the office of the board for the plans, and can explain that in detail when they reach here.

Q. What I mean is this: as I understand it, whatever water enters that sewer north of Boundary street will pass down all the way through.—A. I do not think you get the idea. The body of water which flows out from Tiber Creek, at its outlet, is made up not only from the main stream, which comes in at Boundary street, but from half a dozen rivulets flowing into it from the east and from the west. We propose to cut off these and turn them into Rock Creek or the Eastern Branch, as the case may be, instead of their running into Tiber Creek, as now.

Q. You have already stated that this work of cutting down F street west of the War Department was commenced before any appropriation was made by the District government; did not the cutting down of F street several feet make it absolutely necessary to cut down all the cross-streets correspondingly?—A. Under the old system pursued before the establishment of the District government it did not necessitate anything of the sort. It would necessitate that under the plan pursued by the board of public works, or under any plan which carried out any uniform system of grades.

Q. Was not the work of cutting down F street commenced before any appropriation was made which necessitated absolutely corresponding excavations in the cross-streets?—A. It might have necessitated that if appropriations were made for cutting down the cross-streets. It was not absolutely necessary.

Q. How could F street have been cut down as you have done it without cutting down the cross-streets?—A. Just as was done under the old corporation over and over again. You go right down five or six feet.

Q. You refer, I presume, to the excavations which have been made within the last few months?—A. No, sir; I refer to the old plan. I can show you just such instances.

Q. In the list of contracts sent here under the call made on the governor for all the contracts in existence for improvements commenced by the board of public works, no contract was included for the improvements on F street, G street, Seventeenth, Eighteenth, Nineteenth, Twentieth, or Twenty-first streets. There was no return made of these contracts. We afterward got a communication from Mr. Forsyth that the work on these streets was under a law of the old corporation for F street, stating that the cost of the excavation and for curbing and paving F street between Seventeenth and Twenty-first amounted to \$54,000; do you recollect that?—A. I recollect such a letter. I do not recollect the amount.

Q. Then we got a statement afterward from Mr. Oertley, found on page 198 of this testimony, which shows that the cost of the work in progress on G street, and on Seventeenth, Eighteenth, Nineteenth, Twentieth, and Twenty-first, between K street and the avenue, was in addition to the amount stated by Mr. Forsyth's letter \$175,000 and more. That was for the entire cost before deducting the one-third to be assessed upon the property-owners, making an aggregate cost for those improvements of over \$230,000 for the work done and in progress on those streets. Do these statements of Mr. Forsyth and Mr. Oertley contain an account of all the improvements that are in progress there?—A. All that are contracted for, as I understand. The statements themselves show.

Q. I cannot find in these statements any amount for parapet walls, &c.?—A. I paid for that out of my own pocket for my own property.

Q. Is it the understanding that this work is to be paid for by the property-owners on Seventeenth and Eighteenth streets?—A. It is my opinion that it should be paid for by the property-owners. That is a question, however, still to be settled.

Q. If they are to be paid for out of the public funds, then the cost is to be added to the amount already given?—A. Then there will be an additional cost of some \$12,000 or \$15,000 for this work.

Q. Do you know anything about the cost per lineal foot of filling up the canal so far as it has been filled up?—A. No; I cannot tell. We paid 15 cents a cubic yard. I cannot tell you the amount per lineal foot without making a calculation. You can ascertain that of the engineer.

Q. If you fill up the remainder of the western portion of the canal from Seventeenth street to Third, what will be the entire distance?—A. That is a matter of measurement. I do not know. I suppose a little over a mile.

Q. Can you give some little idea of what the cost of filling up that canal will be?—A. I will have an estimate made of the cost, and furnish it to you.

Q. Do you think this District is able to bear, without great oppression, the expense that will be incurred in carrying out all these improvements that are contemplated by your board?—A. I do. I look upon it just as I look upon a valuable house which is out of repair, and which I could make available to bring me an income by putting it in repair. I should think it policy on my part to borrow the money, and spend 5 or 10 per cent. on it to accomplish that result. It would benefit the neighborhood, it would benefit me, and it would be a good investment.

Q. Suppose the case is put a little different. You have, for instance, a farm worth a thousand dollars, and you are just able to live on it. Now if you spend \$5,000 on that farm in building your house and barn, and in drainage, it would render the farm more valuable; but do you think it would be good policy for you to borrow \$5,000 to do it?—A. I certainly would if I could get a proportionate increase in consequence. I think it would be very good policy. It is the way this country has been built up.

Q. Do you think the improvements would result in a proportionate increase of income?—A. I do; that has been my experience. The most of the money I have made has been made in that way.

Q. I have here the journal of the board of aldermen, which contains a report made by you, September 2, 1870. I will read an extract from that report, giving your opinions as to the expediency of making large expenditures, and ask you whether your opinions have changed since that time? You say: "The estimates of the mayor for the expenses of the current year are \$1,251,287 38. Your committee, however, are of the opinion that in view of the large indebtedness of the corporation, and the heavy taxation imposed under laws recently passed by Congress, it will be necessary to reduce the estimates of expenditure to the amount above given. This can be accomplished by omitting the sum of \$100,000, the amount estimated for cleaning streets; by reducing the salaries of corporation officials, (which have reached the enormous aggregate of \$123,320,) and by carefully restricting our improvements within the limits of our revenues."—A. No, sir. I stand right by that report, every word of it, and I think my present position is in exact accord and in exact consistency with it, and I will state my reasons for it if you desire. I thought then that as the old corporation existed it was a mere shell. There was nothing in it. The tax-payers received no advantage from the amount of revenue raised. No good came from it to any living soul, except to some few officials who drew their salaries. The only operations of any value were in connection with the schools, the fire department, and the police department. I thought that, instead of taxing the people to raise money to be spent for the benefit of ward politicians,

we should cut down to the lowest amount. I was of the same opinion then that I am now, and urged the adoption of the plan of borrowing sufficient money to improve the city, and make it a decent place to live in, not put the whole tax upon the present generation nor levy the whole cost of improvements on the property-holders adjacent, as was done for paving Pennsylvania avenue.

Q. Are you not charging the whole expense of improving some of the streets upon the owners of the property adjacent?—A. None of them.

Q. Have you not done it in the case of contracts made by Mayor Emery for foot-pavements, sidewalks, crossings, &c.?—A. No, sir; we have had nothing to do with that. I advised the legislature to pass a law, and they did pass a law, which was intended to bring these contracts under the same rule adopted by the new government, of paying two-thirds out of the general fund. The law was defective in failing to make the appropriation out of the proper fund, and failed, therefore, to accomplish its object.

Q. Do you say that you have nothing to do with carrying out the old contracts?—A. Nothing to do with the assessments under them.

Q. Who does assess them?—A. The surveyor and assessor, I suppose. They come in through the register, just as they did under the old corporation.

Q. Were not the contracts made by Mayor Emery set aside by the court on a suit commenced by the board of public works?—A. Yes; but on a large portion of them work had been done, or material delivered, and although the court decided them to be invalid, the corporation would have been liable to damages, and we thought it better to allow the contractors in some instances to go on and finish their work.

Q. I speak now of contracts where the work was not begun at all, or had made very little progress—those contracts which were declared by the court to be null and void?—A. Yes; all made after a certain time were so declared.

Q. After what time?—A. I forget the exact time. On the 16th day of March, we were sworn into office, and immediately afterward Mayor Emery let out a lot of contracts for foot-pavements. We protested against it, and enjoined him. In the course of a month or so we got a decision, putting us in possession; but, in the mean time, these parties had gone on and done work and furnished material, and in some cases we found that the corporation was bound to pay in any event, and we thought it as well to allow the parties to go on and finish their work. For this work the assessments are made, and come through the register, as they did before the new government went into operation.

By Mr. ELDRIDGE:

Q. Did the court act upon the contracts themselves or upon the power of proceeding under them?—A. The action was upon the conduct of the mayor. The court decided that the mayor had exceeded his authority in making contracts after a certain date. In the mean time, however, parties had acquired rights on which they could have recovered.

By Mr. COOMBS:

Q. Do you mean to say that they could have recovered after the courts had declared the contracts themselves null and void?—A. In my opinion they could, and I think you will find that any jury would have so declared. At any rate, that is the result of my observation.

Q. After these contracts had been declared null and void, and the courts had enjoined everybody from proceeding under them, you allowed a certain portion of the contractors to go and finish the work?—A. We permitted them to go on.

Q. Did they go on under the direction of the board of public works?—A. That is as I stated a moment ago. The contracts had been made, and had been partially executed before the courts determined that the mayor had no right to make them, and instead of leaving them to proceed against the city for damages, we thought it better to allow them to go on and finish the work.

Q. You made a new contract with them, then?—A. No, we did not make any new contract. We left that matter to be settled by the legislative assembly or Congress.

Q. Did you not, in some instances, turn the same contracts over to other parties?—A. No, sir; not in any instance that I know of.

Q. Were all the contractors who had contracts under Mayor Emery allowed to go on and finish their work?—A. O, no, very few of them. We did not allow those who had not commenced work, or commenced to deliver material, to go on at all.

Q. But where you did allow them to go on, the full cost is charged, under the old rule, to the property-holders?—A. As I stated a moment ago, the assessments are made by the surveyor, and certificates issued under the old law of the corporation by the city register. We endeavored to have a remedy adopted for the injustice this system does to the property-holders, by the passage of a law by the legislative assembly, but the law was invalid, for the reason that I have stated. I think the assessments ought to be made under the new law.

Q. Do you think they can be legally made in any other way?—A. That is a matter of law.

Q. Here is a list of contracts furnished us by the District authorities. Was that list full at the time it was sent here?—A. I think so.

Q. Does it contain the entire list, except as to one or two which have been mentioned in

respect to F street, and the Shinn contracts in Georgetown?—A. I think it contains all except those, and the Shinn contract has been perfected since this list was made out.

Q. Here are five contracts, three to Albert Gleason, one to Lewis Clephane, and one to John O. Evans, which I cannot find included in this list.—A. These, I think, are for subordinate parts of work which are covered by the main contracts, or for work which is charged exclusively to the property-owners, such as the laying of lateral water and gas pipes.

Q. Still, these are contracts that are not on the list?—A. No, but the amount is covered by the list you have there. There may have possibly been an omission by the engineer in copying them.

Q. You stated on a former occasion, in a letter that you sent here, that Mr. Shinn's contract for the sewer on Bridge street, Georgetown, was not included, because it had not been made out, owing to the sickness of the engineer. We now have a copy of that contract, which is dated the 18th of September, 1871. You are mistaken, then, in that statement, were you not?

—A. Not at all. The contract was not finally executed until within the last week or two. The contract was awarded to Mr. Shinn at the time specified, and was formally made out and signed by Mr. Shinn, but when it came back to the board for signature, we found that it covered only a portion of the work. Mr. Mullett stated that it was incorrect; that it was not full enough, and he took it away to correct it. It went on in that way until he was taken sick. When he was well enough, we had the contract finished up, and put upon the record.

Q. When was Mr. Mullett taken sick?—A. I do not remember the date.

Q. Then this contract was signed by Mr. Shinn at the time it bears date?—A. Mr. Shinn signed a smaller contract for grading, but when the board came to sign the contract, it was found to be incorrect, as I have stated.

Q. Then this contract is antedated five or six months?—A. It is dated at the time the contract was awarded to Mr. Shinn.

Q. Should it not have been dated at the time it was actually executed?

[Mr. CHIPMAN suggested that that was a matter of law.]

A. The journal of the board shows that the contract was awarded at the date which this bears.

Q. But it is true that, in the execution of the contract, it was antedated some five or six months?—A. No, the contract was not antedated. It was signed afterward.

Q. As a legal question, should not the contract bear the date of its execution?—A. I think when a contract stands on the books of the board, it is a contract, and that the date it has there is the proper date of the contract.

Q. Do you know when this last paper was signed?—A. I do not; it was within the last few weeks.

Q. And you think the contract was made when the bid was accepted and the party knew of its acceptance. Why, then, was it not returned among the list of contracts?—A. I have explained two or three times that it was made out with the other contracts, but made out improperly, and taken away to be corrected.

Q. We called for all the contracts. You say this was a contract, and still it was not included in the list.—A. I said the contract was awarded to Mr. Shinn, and work was being done under that award.

Q. Then why was it not put in the list?—A. Simply because it had not been perfected in its phraseology.

Q. It was a contract, then, and was not a contract. Do you know what the assessed value of the real estate of this District is under the new assessment?—A. I do not think the new assessment has been completed. The board of appeals is now in session, and will probably remain in session for two or three weeks.

Q. Is the assessed value of property largely increased under the new assessment?—A. I think not. There have been a great many rumors and a great many lies told about it. The assessors have told me that there is no great difference.

Q. In your opinion, is property assessed above or below its market value?—A. I think below.

Q. Do you not know of instances where property has been sold for one-half the rate of assessment?—A. I do not know of any such instances. I should suppose that, in a large city like this, mistakes would very likely occur, and that there would be instances of over-assessment.

Q. Do you know anything about an assessment made on property out on Fourteenth street by Mr. Olmstead?—A. I do not. I only know that Mr. Thompson told me the other day of some property which had been assessed above its value. I told him he ought to go before the board of appeals.

Q. Do you not know that there were some lots out there which Mr. Olmstead assessed at a dollar and a quarter a foot, and that some disagreement occurred between him and some of the members of the government, on account of which he afterward resigned, when it was put up to \$2 50 per foot?—A. I never heard of it.

Q. I have heard of such a rumor.—A. I believe it is a lie out of whole cloth. I wish the committee would summons Mr. Olmstead and ask him.

Q. Did the board of public works ever exercise any influence over the assessors?—A. No, sir; so far as I am concerned, I may say that I never spoke to an assessor upon the subject.

Q. You never heard any member of the board of public works speaking to Mr. Olmstead on the subject?—A. Never. It is hardly to be supposed that I should attempt to exert such an influence on assessors. As I own a good deal of property myself, my personal interests would not induce me to influence them to put up the assessment.

Q. I have a contract here made with J. H. Temeyer, John O. Evans, and Franklin Colton, for work done on the James Creek Canal; when was that contract signed?—A. The entire history of the canal question was sent here. It seems that in this instance the contract was made in August, 1871, and work done under it without being formally entered into with the parties, and that this paper was not prepared until the estimate was sent in to the treasurer. They wanted a formal contract, which was then made out, and has been signed within a week or ten days past. This contract, as you see, bears date the 11th of August, when the contract was in fact made.

Q. And the contract has been fixed up since we called for it on the 23d of February?—A. There has been no fixing up in regard to the matter at all. Here are the original papers sent to you, which the committee asked for. When the account was brought to the treasurer, the auditor would not audit this claim, but required that it should be put in the shape of a formal contract, which was done.

Q. Can you tell what amount has been expended on that portion of the canal now filled up, in drainage, narrowing, and walling?—A. I can tell by referring to the papers in the office.

Q. There has been a large amount of work done, has there not?—A. There is a considerable amount of work done. A very large proportion of it has been on the Seventeenth street pier, which, if the canal is filled up, will remain open, and will probably have to be extended out to the main channel.

[The plan of the Tiber Creek Canal was here brought into the committee-room and explained by witness to the committee.]

Q. State whether there was a bill introduced here in favor of a territorial form of government two years ago last winter.—A. I think so.

Q. You took a prominent part in that and were very active?—A. It is my misfortune always to be active in pretty much everything I undertake to do. The bill was introduced by Mr. Hamlin, as I recollect, and passed the Senate.

Q. That bill made the governor, secretary, and both houses of the legislative assembly elective by the people?—A. Yes, I think it did.

Q. I am requested to ask you whether, after that bill passed the Senate, you did not take a very active part in getting the bill changed to its present form.

(Question objected to by a member of the committee, and ruled out.)

Q. Can you state the names of the persons who were the heads of the bureaus which the board established some time last summer?—A. They are the same people we have now as superintendents and chief clerks.

Q. When you stated the other day that you abolished these bureaus, then you meant that you merely abolished the names of the bureaus?—A. We made them all report directly to me as executive officer of the board.

Q. I am requested to ask you whether there is any one of these men who were appointed heads of bureaus who has any practical knowledge of engineering, or of the improvement of streets, sewers, &c.—A. I think so: yes. If you wish me to go through the list, I will be happy to do it. We have an engineer of the board whom I consider one of the ablest engineers and one of the ablest men in the country, Mr. Mullett; we have under him Mr. Oertley, who is a very able engineer, and Mr. Forsyth, who has had twenty-five years experience as surveyor of the city; then, coming down to the auditor's office, I consider Mr. Meeds one of the hardest-worked and best accountants in the country. Mr. Chase, superintendent of sewers, is an exceedingly industrious man, and very successful in that branch of our operations. I do not know what his technical knowledge is, but he knows as much about the business as any man I have seen, who is not an engineer.

Q. I am speaking now of the heads of bureaus.—A. And I am giving you the men who were heads of bureaus. There is also General Balloch, superintendent of streets, who has had a great deal of experience on railroads and in other capacities, who is a very hard-working, able man, and a good officer.

Q. Has the board of public works, since they have been carrying on improvements, made large purchases of materials, such as drain-pipe, brick, stone, &c.?—A. They have bought a considerable quantity of curbing, and have a considerable quantity on hand now, and they are making arrangements for the purchase of drain-pipe.

Q. Has not the drain-pipe heretofore been purchased by the board?—A. It has always been purchased and furnished by the board. We found we could get a good article, and furnish it for 10 or 15 per cent. less than the contractors could purchase it.

Q. Have the board charged higher for bricks to the contractors than the contractors could have got them of private parties?—A. No, sir; the contractors have always been very anxious that we should furnish them bricks; it has been too much trouble for us to do it altogether, and we have let them do it.

Q. At what prices have you been selling bricks for to the contractors?—A. We have sold very few; we have sold them at exactly what they cost: I do not know what it is.

Q. Have the members of the board of public works given any bond to secure the faithful performance of their duties?—A. The treasurer gives bond in the sum of \$50,000.

Q. The board of public works, however, have the disbursing of the entire four-million loan?—A. No, sir; the disbursing of it is done by the treasurer. The treasurer is the man who handles the money; the board have nothing to do with it any more than you have.

Q. Nothing can be paid out by the treasurer except on the order of the board?—A. Under the system adopted by the board, all bills presented to me are referred to the engineer, who measures the work; they then go to the auditor, who audits the accounts, and are presented afterward to the treasurer.

Q. You have not answered my question, whether the members of the board of public works give bond.—A. I answer that none but the treasurer do.

Q. What security has the District, if dishonest men should happen to be appointed on the board of public works, that they would not fail to account for the money coming into their hands, that they would not misapply it, and, in fact, cheat the District out of the funds?—

A. If dishonest men were appointed, I do not think you could get from them any security that would keep them from cheating if they got a chance; that is my experience.

Q. The members of the board of public works are not worth anything like four millions?—A. I think Governor Cooke and myself could pretty nearly foot up that amount; if there was any need for it, we could certainly very easily raise that amount.

Q. I am glad to hear that there are such rich men in the board.—A. You gentlemen ought to know; you have inquired into pretty much everything.

Q. What is the value of the real estate you hold in the District?—A. I think about half a million dollars.

Q. What is its assessed value?—A. About \$300,000.

(Mr. Poland objected to this examination, as having nothing to do with the investigation by the committee.)

WITNESS. I should be very glad to make any statement that is asked for, and I should like to say, in connection with this question, that I am worth a great deal less than I would have been if I had not touched the board of public works; I mean that my time would have been worth a good deal more to me if it had been devoted to my own business.

Q. Was there an order passed by the board of public works requiring contractors to buy their material of the board?—A. Nothing except drain-pipe; we undertook to furnish them with that.

Q. You passed an order requiring them to purchase it of you?—A. No. I do not think we passed any order; we simply told them we would furnish them the pipe as a matter of accommodation to them.

By Mr. CRANE:

Q. In your letter to the legislature, of June 20, you stated that the property of the District will not warrant the general introduction of wood and other expensive pavements. I want to ask you if you have changed your views in regard to that matter?—A. My views are stated there.

Q. Have you not introduced these pavements to a large extent?—A. In the principal streets, yes.

Q. Have you not contracted for a large amount of both wood and concrete pavements?—A. You have it all in the list of contracts furnished.

Q. I observe twenty-four streets paved in about equal amounts with wood and concrete, costing, altogether, over half a million of dollars.—A. My idea always has been, that in the center of the city the streets most used should be paved with good, durable, smooth pavements, giving the people who come here to spend the winter nice, decent streets to drive on. When you come to the outskirts of the city I think the streets should be macadamized.

Q. In your original plan, I think three-quarters, if not nine-tenths, of the streets are to be macadamized; you must have changed your plan in that respect?—A. Probably we did, as far as the center of the city is concerned.

Q. I notice in that plan two hundred and twenty-three estimates given for your system of improvements; were those estimates made after mature deliberation, and do you still regard that system as perfect as when you wrote that letter to the legislature?—A. We may have changed it, and probably have in a good many respects, when we have satisfied ourselves that the change would be for the better. Of course, we live and learn; we know now a great deal more than we did then in regard to these improvements.

Q. Will you point out a single item in that schedule where the work has been done in accordance with the estimate?—A. I will not undertake to do it now.

Q. I have not been able to find one. At what time did the streets and alleys come under the control of the board of public works?—A. Under the decision of the court, they came under our control at the time we came into office, but that decision was not promulgated until a couple of months afterward.

Q. Was there not an act of Congress which put the streets under your control from the

day of your appointment?—A. Yes; but that was passed some time afterward, some time in April.

Q. What was the date of that act?—A. I do not recollect; you will find it in the Statutes at Large.

Q. Do you recollect the date when you went to Mayor Emery, and asked him to order the work on F street?—A. I do not recollect when it was; I think it was some time in April.

Q. Was it not the 25th of April, five days after Congress placed the streets under your control; and, if so, I want to ask you why you desired the permission of Mayor Emery to do what the law had placed under your control.—A. Taking your premises as correct—and I do not think they are—while I was in the city councils, at the request of the Rays and some others, I introduced a bill, which was passed, to grade and trim F street. I asked the mayor to order the work to be commenced as they requested, and for the reason that I had put up some buildings there, and was desirous to have it done myself; he directed Mr. Forsyth to fix the grade. Mr. Forsyth found an old grade established, which he thought was the proper one to be carried out, and after looking into the subject we determined it should be. It was a pretty expensive matter to me personally; it cost me ten or fifteen thousand dollars on the property owned by me in that section of the city; but, as we all agreed it would be a great improvement to that section of the city, I yielded, and the grade was established.

Q. When you went to the mayor, did you state to him that the curb would not be moved?—A. I did not speak to him on that subject.

Q. He has testified here that you so stated to him.—A. He is mistaken if he testified to any such thing; there was no conversation passed between us as to what was to be done on the street. I told him I wanted him to give an order to have the work done, so that my houses could be finished, and he gave the order.

Q. At that time did you think anything would be done more than trim the streets?—A. Of course I did not.

Q. After getting the order, did you go to the mayor to get his permission to do the amount of grading that has been done?—A. No; the work was done under Mr. Forsyth, who was the proper officer.

Q. I understood you to say that none of the improvements being carried on were assessed under the old law?

WITNESS. Do you mean improvements ordered by our board?

Mr. CRANE. Yes.

A. None except sewers, gas, and water laterals, that I know of, are assessed under the old law.

Q. Mr. Todd testified here that he had been assessed for work done in September, under the old law.—A. That was for the class of work I have just referred to. In my opinion, we had no power to change that; the only way it could be remedied was by act of the legislature.

Q. Explain under what law or authority you could make assessments otherwise than as directed in the organic act, which requires one-third of such improvements to be assessed on the property owners.—A. We have not assessed in any way except under the organic act.

Q. Who has assessed these improvements under the old law?—A. I do not know; the surveyor, I suppose; as I said before, they have been made by the surveyor, and the certificates issued by the register. They do not come to us at all; we recommended the legislature to pass a law giving redress to the people in these cases, and, as I stated, they did pass such a law, which was inoperative, because of its defective phraseology.

Q. Does this statement you have sent in comprise any amount of foot-walks laid since the board came into power?—A. It comprises what it specifies.

Q. There is a great deal of work that has been done in my district that is not contained in this schedule; for instance, work done by Daniel Connolly in the old fifth ward, at the crossing of New Jersey and Virginia avenues?—A. I do not know anything about that; I have the impression that the mayor gave that work to Mr. Eslin, and somebody said you were a partner with him.

Q. He was misinformed. I want to ask you now why you took that work away from Charles Stewart and awarded it to Daniel Connolly.—A. We did not, that I know of.

Q. Did you not award the flagging of the crossing in the twentieth district to Daniel Connolly?—A. I do not recollect anything of the kind; if you will put your inquiry in writing, I will have the information hunted up.

Q. In regard to this statement which is sent in here, purporting to comprise the entire expenses of the board of public works, down to this date, I would like to know whether there are not a good many things not included in that statement.—A. If you can find any omissions or errors in the statement, we will be glad to correct it; there has been no intentional omissions.

Q. I notice an estimate for laying foot-pavements on H street, between Second street and boundary; was there not a foot-pavement already laid the entire distance?—A. If there was, it will simply be relaid.

Q. What is the necessity of relaying it?—A. The street has got to be graded and macadamized to make a drive of it.

Q. Is not the grade right now?—A. I do not know; it may be, and may not be; I may as well say that there have been no grades established in the city so far as we have been able to ascertain.

Q. Do you require security of contractors for the faithful performance of their work?—A. We retain a certain portion of the contract money as security.

Q. You do not require bonds of them?—A. I do not think we do in the case of contractors for foot-pavements.

Q. Have you required Mr. Clephane to give bonds for the faithful performance of his duties, or Mr. Evans?—A. I do not recollect whether we have or not, any but their own bonds; both of them are responsible men, and I should be very well satisfied to take either one of them on his own bond.

Q. The contracts do not contain any provision for a bond at all?—A. If the board accepted Mr. Lewis Clephane as a contractor, he is his own bondsman, I presume. I would be very willing to take his bond for twenty or fifty thousand dollars.

Q. Do you know the aggregate amount of his personal bonds?—A. I do not know the amount.

Q. Is that the usual mode of letting out contracts? Has that been done in this city or other cities?—A. I do not know; I think it is a business-like way of doing it; if a man is responsible, I would rather have his own bond than half a dozen straw-bonds of other people, such as are frequently given.

Q. These concrete pavement contracts state that the contractor is to keep them in order for three years; suppose the contractor goes away, what security have you?—A. Mr. Clephane has property in the District to the extent of fifty or sixty thousand dollars; if he went away, he would probably leave his property here; or if he sold his property and went away, the same thing might occur in respect to any bondsman, and you would have to hunt him up.

Q. Do you know whether Mr. Clephane is a partner of Mr. Filbert?—A. I know nothing about their business connections.

Q. Do you recollect letting a contract to Mr. Samuel Strong for 50,000 feet of curbing?—A. I do.

Q. Did you require any bond of him?—A. We did, and he gave bond.

Q. That contract is here with no bond attached.—A. The bond may have been made out separately; he gave the bond of a responsible man. I do not recollect who he is.

Q. Did you change that contract, and allow him to furnish different material at the same time?—A. No, sir; we did not; some of the stuff sent on was not suitable and was changed, and, as I remember, Mr. Strong, when he found he could not get stone of the dimensions we had required, wrote to the board, asking them to modify the requirements in that respect, which was done.

Q. And you allowed him to furnish a different grade of material?—A. The material furnished by him was at that time at a remarkably cheap price.

Q. Do you suppose if you had advertised for the material which you allowed him to furnish, you could not have obtained it at a cheaper rate?—A. No, we could not; we could not buy in open market as cheap as he furnished it.

Q. In that statement of expenditures, you give the cost of laying a wood pavement on Eleventh street and on Twelfth street, one being more than double that of the other between the same streets.—A. That is accounted for by the difference in the width of the streets; the pavement on one is about 55 or 60 feet in width, and on the other about 35.

Q. That would not make a difference of 300 per cent. in favor of the pavement which Mr. Clephane laid.—A. The price paid is exactly the same in either case, \$3 a yard.

Q. I still desire an explanation of one street costing exactly three times as much as the other for the same distance.—A. If you will put your question in writing, I will have the engineer give you his figures.

Q. In your schedule of prices, you state that for wood and concrete, the prices being \$3 and \$3 20, the contractor is to do two feet of grading; do you require the contractors to do two feet of grading?—A. We do not pay them extra for anything less than two feet; for all grading done over two feet we pay them.

Q. Who did the grading on Eighteenth street between F street and the avenue?—A. I think it was done by Mr. Vanderberg.

Q. In Mr. Clephane's contract you allow him 30 cents over the \$3 a yard for his pavement on that street for grading.—A. The board allowed him 30 cents per square yard for furnishing a board foundation for the blocks of pavement. If the statement says it is for grading, it is an error.

Q. Do you recollect the price paid Albert Gleason for filling up the canal?—A. Fifteen cents a cubic yard.

Q. I notice that the statement is 4,000 yards, at 15 cents. From the statement you make of the amount actually paid, you must have paid him 30 cents a yard, or else the amount done was as much as 8,000 yards.—A. The auditor is here, and will furnish you the information you desire on that point.

Q. Do you go out personally to examine the work on the streets often?—A. I do; I spend a large portion of my time in that.

Q. Why did you allow that mistake on New York avenue between Twelfth and Thirteenth streets to occur, subjecting the property-owners to so much expense and annoyance?—A. The engineer whom we employed, General Green, is a very able engineer, but he is not much of an executive officer; and in giving the levels there, he had done work which I did not think there was any necessity for. I told him so, and relieved him; that is all there is of it.

Q. You dismissed him?—A. I relieved him.

Q. Did you not say to the governor that if General Green was not relieved, you would be compelled to resign?—A. I may have said so; whether I did or not, it is not within the province of this committee to inquire into private conversations.

Q. Have you ever examined the Fifth-street sewer, opposite the City Hall?—A. I saw it laid.

Q. Do you know the depth of that sewer?—A. I do not exactly.

Q. You do not know that it is not deep enough to drain any cellar on that street?—A. I do not; but I have no doubt that if you make that statement, you are mistaken.

Q. I have looked into it very often, and it is not more than four feet deep. Do you know whether it has been paid for?—A. I think payments have been made; whether it has been entirely paid for or not, I do not know.

Q. Are you a stockholder or incorporator in any of the pavement companies of this District?—A. I am not.

Q. Were you one of the incorporators in the Portland Cement Company?—A. I was.

Q. Was not that organized about the time you were appointed on the board of public works?—A. No, sir; a good while before I was appointed on the board of public works. I know that I sold out as soon as I was appointed on the board, as I did the interest I held in the Metropolis Paving Company. I held some stock in that company, which I sold out within a few days after I was appointed.

Q. Did Mr. Young represent you in that company?—A. No; Mr. Young, I think, held some stock in that company.

Q. He is your brother-in-law?—A. He has that honor, sir.

Q. You stated the other day that the price paid for the Scharf pavement in New York was about \$5?—A. I said I did not know whether there was any of it laid in New York. I said I knew of no pavement of wood or concrete laid there under four and a half or five dollars.

Q. Are the clerks of the board of public works paid out of their contingent fund?—A. Yes.

Q. Is Mr. Meeds paid out of the contingent fund?—A. No, sir; he is not.

Q. What proportion of these officers are paid out of the contingent fund?—A. I would like to have Mr. Meeds sworn in regard to that; it is a matter of detail that I cannot be expected to carry in my own mind.

Q. Does the board pay Mr. Bailey a salary as superintendent of lamps?—A. Yes; I think a salary of \$600.

Q. Did not the legislature fix his salary?—A. I think the legislature fixed his salary at \$900, and we give him \$600 more.

Q. Under what law do you increase a salary which has been fixed by the legislature?—A. He has furnished his own horse and wagon, and done a great deal more work than the legislature pays him for.

Q. Is he not superintendent of the gas-works at the Capitol?—A. I do not know.

Q. Is he not a regular partner of Mr. Goodall?—A. He is not, that I am aware of.

Q. It was stated by Mr. Magruder, the other day, that the board had not the custody of the grade-books for Pennsylvania avenue; is that so?—A. The board has not the grade-books for Pennsylvania avenue, nor are there any such grade-books in existence.

Q. Does the board have the grade-books of the city in its custody?—A. Mr. Mullett, as engineer, found that they were so incorrect he refused to have anything to do with them, and turned them over to the surveyor. In regard to Pennsylvania avenue, there was some misapprehension; upon an examination, I found that no record was made of the grade, as it at present exists, between First street and the Treasury Department. When the wooden pavement was laid, the grade was established, from point to point, as the work progressed, and no record made of it.

Q. Did not the legislature pass an act authorizing you to grade the District?—A. Yes.

Q. Would not that place all the books on that subject in your charge?—A. It would; but, as I stated, we found them of no value, and turned them over to the surveyor.

Q. Why did not the board file their grades with the records, as the organic act requires?—A. I think we did.

Q. We could not find any such grades.—A. You will find a couple of hundred of them if you will examine.

Q. Did you make any bets on the result of the April election?

(Question objected to by members of the committee, and ruled out.)

Q. Did the board cut down an alley in square 142, in the rear of the stable of Mr. James Brooks?—A. They did.

Q. Under what law did they cut down that alley, which is a private alley?—A. Under

the law giving them control of streets and alleys. The work will be assessed upon his property.

Q. Had you any right to cut down a private alley?—A. It strikes me that if we cut down a street, so that a man cannot get into his buildings, we have a right to arrange the improvement so that he can have access to his property.

Q. Then why would you not have the right to underpin all the houses where you cut down the streets?—A. The law gives us power over the whole question; we have power to condemn an alley and power to open an alley, and we have a right to cut down an alley so as to make the buildings adjoining accessible.

Q. Was that done to accommodate Mr. Brooks as a member of Congress, because you had cut down the street 9 feet in front of his house?—A. I never saw Mr. Brooks or heard of him in that connection until two months after the work was done.

Q. You stated the other day that there were only eight rooms in the city hall; are you as positive of that as you are in your other evidence?—A. I do not believe there are eight habitable rooms suitable for offices in that building, and I wish that to go on record.

Q. I state that I have examined that building and that there are thirty rooms. Why is it that in making these contracts for pavements you award one or two squares to a contractor publicly, and afterward extend his contract to ten or a dozen squares, without letting the public know anything about it?—A. The public must know something about it if the improvements are extended, for anybody who goes on the street can see them. I do not think it is the duty of the board to tell you personally everything they do. You are not a taxpayer here.

Mr. CRANE. It may be that I own as much property as you do if your debts were all paid. Have you ever visited Mr. Tweed in New York, to get their forms of contracts and of doing business?—A. I never did.

Q. Are you positive you never did have an interview with him on that subject?—A. I never saw Mr. Tweed in my life; is that satisfactory?

Q. It is sufficient for the present; did you go through their building and solicit their forms of contracts?—A. I was in New York and went to the engineers' department; saw the chief engineer, who showed me his plans and gave me a good many blanks and things of that kind, in relation to the work. I think his name is Tracey.

Q. I have here specimens of the New York contracts and District of Columbia contracts, and they are word for word alike. Who suggested to the board that they buy the material to be used in contracts?—A. I really do not know who suggested it.

Q. Did not Engineer Green make that suggestion?—A. He may have done it; it is an eminently sensible suggestion, and he is an eminently sensible man; he may have done it.

Q. You think it is proper for the board to furnish this material?—A. I think it is very proper, inasmuch as they could get the material cheaper than it could be obtained in any other way.

Q. Why did you commence work upon so large a number of streets just as the winter was setting in?—A. Because certain people in this District have fought us ever since the new government was organized; they enjoined us, and succeeded substantially in preventing us from proceeding with the work during most of the season.

Q. That is the reason why you commenced work on these streets just as the winter was commencing?—A. I give that as a reason; you understand, of course, that the winter set in a month earlier than usual, and that it has been an unusually severe winter.

Q. Do you know at what time Third street, between New York avenue and Indiana avenue, was torn up?—A. I do not know. I could ascertain that fact if it is important.

Q. Has this investigation had any effect upon stopping work through the District; have you stopped work in consequence of this investigation?—A. We have.

Q. Are there no men at work?—A. O, yes; there are probably a hundred laborers at work cleaning streets and alleys.

Q. Is not the contractor at work on Tiber Creek arch?—A. Yes; that is a contract, and we have not interfered with his work.

Q. Is there no other work going on except cleaning the streets?—A. There is not.

Q. Would there be if this investigation had not been made?—A. That is a question for the board to consider; I cannot answer.

Q. Can you name any one piece of work that you have stopped in consequence of this investigation?—A. I could name a very large number; there are thousands of men in this District out of employment who ought to be employed, and who would now be in employment but for this investigation.

Q. Do you propose to do a large amount of grading in the coming year?—A. I cannot say anything in regard to that; the future action of the board will determine it.

Q. Did you ever make use of the expression that the enemies of the four-million loan would have to git up and git?—A. I do not know whether I ever did or not. I think it is a sensible remark.

Q. I would like to have the witness explain the meaning of the words "git up and git."

A. I am not an interpreter.

Mr. CHIPMAN inquired how much longer the petitioners wished to occupy in the examination of witnesses in this case.

Mr. GREEN replied that they would be through this week.

After further consultation, it was

Ordered by the committee, That the petitioners be allowed until Saturday next to conclude the examination of witnesses on their part.

WASHINGTON, D. C., March 16, 1872.

ALFRED W. CRAVEN duly sworn and examined.

By Mr. GREEN:

Question. State your name, residence, and occupation.—Answer. Alfred W. Craven; I reside in New York; am a civil engineer.

Q. Have you been employed and had charge of the public works of the city of New York for any length of time?—A. I had charge of all the works of the Croton Aqueduct for about nineteen years.

Q. Have you had your attention especially called to the subject of concrete pavements?—A. No, sir; not in New York.

Q. Have you elsewhere?—A. I have seen them in Paris and London.

Q. Have you given your attention to the subject?—A. Not particularly; they were not introduced in New York when I resigned the charge of the public works in the summer of 1868.

Q. Have you any opinion whatever upon the subject of concrete pavements?—A. Nothing that I could speak of definitely, which would be worthy of any consideration, because I have not given it any attention. The concrete pavements in Paris are good as yet.

By Mr. ELDRIDGE:

Q. Have there been a variety of concrete pavements started in New York?—A. There are no concrete pavements, properly speaking, in New York. There have been some attempted.

Q. What is a concrete pavement?—A. There are various kinds of concrete pavements. The best that I have seen is that in Paris.

Q. How is that constructed?—A. It is made of pure cement. First there is a layer of about 8 inches of broken stones mixed in with cement, and this pavement is laid in a dried state, and then is leveled smoothly, when it is rolled with hot rollers, and it becomes a cement by that action without any water. That makes the most valuable pavement that I know of of that character; but even with this in Paris there are constant repairs going on. They have people appointed under the government who go on filling up and stopping the little holes when they commence. That is much less expensive than any other way, and that makes it rather difficult to find out what the durability of the pavement is, because the patching is constantly going on.

Q. Where do you reside now?—A. In New York.

Q. What is your business?—A. Consulting engineer. I retired from active work four years ago.

Q. Have you ever had any knowledge of the subject of tide-sewers—that is, sewers that are built upon a level with the tide, and kept clean by flushing?—A. I have examined them in London.

Q. On what principle are they used?—A. They are on a principle that we cannot adopt here, on account of there being so small a difference between the low and high tides. They can put down a flushing-board when the tide comes in, and, when the tide runs out, they raise the flush-board, and the water carries off the refuse.

Q. What height of tide does it require to make this work successfully?—A. I hardly think it would succeed with a tide less than 12 or 15 feet.

Q. Have you ever known a sewer on that plan at Charleston, South Carolina?—A. The situation of Charleston is such that you could not apply it there with any great success. I was engaged as an engineer before I took charge of the work in New York. I left Charleston in 1840; there was very little sewerage of any kind there when I left. The tide there is about 5 feet.

Q. Do you know Mr. Green, the engineer, who is engaged here—Mr. Geo. S. Green?—A. Yes, sir; I have known him many years.

Q. What has been his experience as an engineer?—A. It has been varied in all branches of engineering, and very valuable. He is a man of remarkable ability and culture, and of a great deal of experience.

Q. Do you know whether he has given the subject of sewerage much attention?—A. Yes, sir; he was put in my place when I left, and he is a man of general information on these points, and very accurate. I think you would get more reliable information from him in regard to concrete pavement than from myself, because after I left there was a large experience in the park in reference to concrete pavements. There were two or three places there where they put down this pavement instead of macadamized road, and General Green was

in charge of the city, exclusive of the park; but, being a man of observation, he undoubtedly looked into it. I should value his opinion very much.

Q. Would you value his opinion on the subject of sewerage?—A. I would; I do not know a man who stands higher than he in my estimation. He is a man of thorough scientific education and large practical experience. I served under him in South Carolina in 1837, 1838, and 1839.

Q. Did he remain in South Carolina after you came away?—A. No, sir; he went to Kentucky before I came away.

Q. What was his business at Charleston?—A. He was an engineer; made it his home in Charleston, and was employed on the railroads up in the State.

Q. He took your place after you resigned in New York?—A. Yes; he had been out of business a short time, and I had employed him. Very unjustly the tables were turned; he was assisting me there, although I was under him before.

Q. Why do you say unjustly?—A. Because his experience was such that he ought not to be under me; I mean unjustly in fate. He happened to be out of employment, and I was glad to get just such a person to assist me.

Q. What is your experience with regard to wooden pavements, such as the Nicholson, and such as that class?—A. I think it is an expensive pavement: I do not think it is a lasting pavement. It is excellent for streets where there are dwellings, and not good for streets where there is heavy traffic.

Q. What would be your opinion of it in such a city as Washington?—A. I think it would be expensive; I base my answer to the first question as to its expensiveness on my experience of it in regard to its durability.

Q. Have you seen wooden pavement in Chicago?—A. Yes, sir; I based my opinion on my examination of them.

Q. Did you ever see the Nicholson pavement on Lake street, in Chicago?—A. If I know which is Lake street, I have seen it seven or eight years ago; it was rather full of holes at that time; I think it is a delightful pavement; it saves a good deal of the wear and tear of carriages.

Q. When did you first observe this pavement in Chicago?—A. In 1856 or 1857, at the time the experiment was made in New York. Went out to Chicago to make a close examination of those pavements, by order of the department of which I was head. He looked into the matter very thoroughly, more so than I did.

Q. He went to Saint Louis, Buffalo and Chicago, expressly by order of the department?—A. Yes, sir; I remember that.

Q. What would you think of a Nicholson pavement if it would last ten years without anything more than some very slight repairs?—A. That would last as long as a stone pavement would without repairs.

Q. What would you think of the practicability and the propriety of that pavement if it would last that length of time, at the ordinary cost of all other pavements?—A. I think I should prefer it; I think we paid more. If it would last that length of time at the ordinary cost, I should think it a very cheap pavement, considering its advantages—very cheap.

Q. What did you pay in New York?—A. I think the least we paid was \$4 50.

Q. Do you know anything of the concrete pavements?—A. No, sir; not at all.

Q. Have you seen any of the concrete pavement in Philadelphia?—A. No, sir; I have been a long time out of service, and confine myself to office-work, where my opinion is asked about plans, &c., &c.

By Mr. COOMBS:

Q. Could a tide-water sewer, a long level sewer, be successfully cleaned and flushed where the rising tide is not over three feet?—A. That would depend very much upon the lateral sewers running into it, and the amount of force; it might be kept clean if the grade of the lateral sewers was considerably great, and if they were properly constructed.

WASHINGTON, D. C., March 16, 1872.

JESSE SELIGMAN duly sworn and examined.

By Mr. GREEN:

Question. State your name and residence.—Answer. Jesse Seligman, New York.

Q. Did you bring with you a copy of the advertisement under which the four-million loan was put upon the market in Europe?—A. I did.

Q. Will you produce it?—A. I have it here on this sheet. (Witness presented a paper in the German language.)

Q. Will you give the committee a translation of this German advertisement?—A. The English editorials in the London papers contain everything pertaining to the prospectus. (These were handed in, and the following is from the Times:)

“Subscriptions have been invited by Messrs. Seligman Brothers for \$4,000,000 6 per

cent. bonds of the city of Washington, at $87\frac{1}{2}$, (or at the exchange of 4s. 6d. per dollar, £196 17s. 6d. for each bond of \$1,000,) the installments extending to the 1st of March. The city of Washington being the seat of the Federal Government, is constituted with independent constitutional powers, as the District of Columbia, with a governor appointed by the President of the United States. The coupons of the bonds are to be payable in gold, and the capital will be redeemable in twenty years. At the proposed price, the rate of interest yielded will be nearly $6\frac{3}{4}$ per cent."

Q. But we want a translation of this; you can make it at your leisure. At what rate were these bonds sold in Europe in gold?—A. We put them in the Frankfort market at the rate of $91\frac{1}{2}$ gold, counting the thalers at two and a half florins.

Q. State to the committee what that would be in currency, allowing 10 per cent. for premium on exchange, and 10 per cent. for the gold premium.—A. I had a little abstract prepared in anticipation of some such question. The exchange cannot be counted 10 per cent., because the difference in reality is only $2\frac{1}{2}$. They were actually put on the market at 102.12 less the difference of the commission. There was a commission of our house to the syndicate in Europe, made up of fifteen or twenty banks all over Europe, of $1\frac{1}{2}$; then there was postage and insurance of the bonds on the other side, about $1\frac{1}{2}$ per cent.; advertising in newspapers and brokerage on the other side; in all making a total—having paid for the bonds $96\frac{1}{2}$ —of $100\frac{1}{2}$, leaving a balance to the syndicate, counting the gold at 1.09, of about $1\frac{1}{2}$.

Q. Please state what it was in sterling money.—A. In London it left a margin to the syndicate of $2\frac{1}{2}$ instead of $1\frac{1}{2}$, nearly a difference of $1\frac{1}{2}$ between the London and the German market. But a very small portion was sold in London, however; Germany took the largest portion. It was sold in London at $103\frac{1}{2}$ in currency; in gold, $87\frac{1}{2}$; which is equal to 96, counting the sterling at 4s. 6d.

Q. What was the premium of exchange on short bankers' bills?—A. Nine and three-fourths. I took particular notice on that same day they sold in Frankfort at 102.12.

Q. What has been the average since that time?—A. Nine and a half, probably, or ten. The average premium on gold since that time has been $8\frac{1}{2}$; owing to the Alabama question it has advanced, and is now about 10.

Q. Can you state what $87\frac{1}{2}$ in gold in London would be worth here, in currency, at 10 per cent. for the premium of exchange, and assuming the premium on gold to be only 10 per cent.?—A. I will make it out for you. It requires a little calculation.

Q. You are a banker?—A. I am.

Q. Familiar with the matter of foreign loans?—A. I am.

Q. When bankers agree to put a loan on the market for a commission, is that commission counted upon the par value of the loan?—A. Yes, generally.

Q. And when bankers put a loan upon the market for a commission, do they bind themselves generally to do that at a fixed price?—A. Always. They make the rate of commission at the time they make the negotiation.

Q. Are the bankers in such a case the owners of the bonds at a certain price?—A. Yes, sir; it is customary for bankers to buy a certain amount, and they obligate themselves to take such an amount at a certain commission, with the privilege of taking the balance for the same price, whatever the agreement may be.

By Mr. ELDRIDGE:

Q. What was this transaction between you and Governor Cooke?—A. We had no transaction with Governor Cooke whatever.

Q. What was the transaction in which you became interested in these securities?—A. We bought of the First National Bank of New York \$1,500,000 of the District bonds at $96\frac{1}{2}$ and accrued interest, with the privilege of taking the other \$2,500,000, making \$4,000,000 grand total, up to the 1st of April. That is the bargain we made with the First National Bank.

By Mr. CREBS:

Q. You had nothing to do with Governor Cooke?—A. Nothing whatever.

Q. With whom did you make your negotiation?—A. The president of the First National Bank.

Q. Did that in any way depend upon any bargain that they had made with the governor of this District?—A. Not that I am aware of.

By Mr. GREEN:

Q. If you bought from the First National Bank at $96\frac{1}{2}$, the commission was $2\frac{1}{2}$ per cent.?—A. Yes, sir.

By Mr. CHANDLER:

Q. You made the figures, showing the net proceeds of what the syndicate received?—A. Yes, sir; I asked my young man to prepare it.

Q. And you will submit that to the committee?—A. Yes, sir.

Q. And the net profit to the syndicate from the selling price was about $1\frac{1}{2}$ per cent.?—A. There may be a half per cent. for the advertising and other expenses.

Q. By one statement the net result in currency was 99 $\frac{1}{2}$?—A. Yes, sir.

Q. So that, if the District sold to the First National Bank at 96 $\frac{1}{2}$, the amount of all the commissions was the difference between 94 and 99 $\frac{1}{2}$?—A. Yes, sir; about that.

Q. Was that expense an unreasonable one in your judgment, under the circumstances, to get this loan placed as you did it in Germany?—A. No, sir; I should think it a very reasonable charge.

Q. Explain why an expenditure of this kind may be necessary, while the cost of placing a Government loan would not be more than 1 $\frac{1}{2}$?—A. The United States bonds are known all over the world; they require no introduction anywhere. They are quoted in the bourses of the world; in England, France, and Germany. They have a market value; you can procure money on them at any time, anywhere, while a bond of this kind, which is something entirely new, requires extra efforts. You can raise no money upon it; it has no value. This was shown during the French and German war; no railroad bonds would sell then. You have to establish a reputation for a bond of this kind, being something new in the European market. They desire to know the authority, the resources of the city, &c.; then, after they are satisfied, they will invest.

Q. Do they, or not, in a case of this kind, rely upon the character of the house that places the loan upon the market?—A. A great deal.

Q. Was or not the banking-house justified in charging a liberal commission for their name?—A. Considering that they have to stand godfather for a loan of this kind for years, I think they should have a reasonable commission.

Q. And you believe the commission of your house was justifiable?—A. Entirely.

Q. I see you have an estimate for advertising programmes of 2 per cent.; what is the case in Germany apart from the case in this country?—A. The expenses for advertising in Germany are much larger than here; there are so few newspapers, as compared with the United States, and to make it as conspicuous as was done in this case, taking one-fourth of the newspaper would make it very expensive. If I am not mistaken, the amount expended in Germany was 150,000 florins, and in Paris it amounted to 75,000 francs, to bring it properly before the people.

Q. So far as you and other bankers presented this matter, it was a straightforward transaction?—A. Entirely.

Q. You had no transaction with the District authorities?—A. None whatever.

Q. And neither the District government or any person connected with it has had any benefit from it?—A. Not so far as I know.

Q. So far as you know, it was a sale from the District to the bank, and a sale from the bank to Seligman & Co., representing this syndicate?—A. Exactly.

Q. And there was no other negotiation affecting the transaction?—A. None whatever.

By Mr. ELDRIDGE:

Q. Who is responsible for the form and substance of the advertisement which you were asked to translate?—A. We received the pamphlet from the First National Bank, and the different banks who signed this are the authors.

Q. Did any one connected with the District government here have anything to do with getting it up?—A. Nothing whatever. This is generally done in Europe, after we send them out. They make abstracts, such as will present the proper bearing in regard to the loan, and place them on paper.

Q. Can you give us in English the heading of this German advertisement?—A. "Four-Million Loan, City of Washington, and the District of Columbia in the United States of America. Capital to be paid back in the United States on July 1, 1891. Interest 6 per cent. semi-yearly in gold, free of tax. Interest to be paid January 1 and July 1, in the First National Bank, New York." Then it goes on to state that, according to the act passed February 21, 1871, in the District composed of the different cities of Washington and Georgetown, and the county of Washington, for the purpose of improving and of beautifying the principal city, namely, the city of Washington, &c. Then it states that there are \$190,000,000 taxable property in the city of Washington.

By Mr. GREEN:

Q. Is that an exact copy of the advertisement that appeared in Gallignani's Messenger?—A. I do not know. That is from a French paper.

Q. You have a house in London have you not?—A. We have.

Q. Did not your house in London, on or about the 20th of December, send a cable telegram to Governor Cooke, that the loan had been placed in Europe at 87 $\frac{1}{2}$ sterling?—A. I do not think it did; I do not think our house sent anything to Governor Cooke.

Q. I understand you to say that you had no communication with Governor Cooke?—A. Our house in London had none.

Q. Did your house in New York have any communication with him?—A. We did after the loan was placed.

Q. Did not your house report progress to Governor Cooke?—A. Not that I know of. They may have written, congratulating the District on the success we had on the other side.

Q. Do you recognize that letter? (From former printed testimony; examined by witness.)

A. I think such a letter was sent from our house; I did not write it.

Q. Was not the loan advertised in England, France, and Germany as a loan authorized by an act of Congress of the United States?—A. The advertisement here states exactly that a bill had passed authorizing the District of Columbia to make such a loan; and it was advertised in this shape. I think the abstracts from the English papers will give the full particulars.

Q. When bankers buy a loan at so much net, is it customary to add a commission?—

A. If you buy at so much net, you cannot add a commission. But the understanding may be as so much for the price, and then the deduction of a commission.

Q. Suppose you buy at 96½, with 2½ per cent. commission, is the house that buys bound to make up the 94 to the seller under all circumstances?—A. Ninety-four would be the proper price.

Q. Would you be under any legal liability to the First National Bank or to the District to pay that 94?—A. No, sir; we should be under a legal liability to pay the First National Bank 96½, with accrued interest. We bound ourselves to pay for \$1,500,000, 96½, with accrued interest, with the hope of getting \$2,500,000 additional, and no matter whether the bonds were worth that or not, we were bound to take them at 96½, and accrued interest.

Q. Did you charge any commission to the First National Bank?—A. No, sir; it was a purchase at 96½, and accrued interest.

Q. If the First National Bank had arranged with you to put these bonds on the market at 2½ commission, at 96½, would there have been any legal obligation on your house, under all the circumstances, to pay to the First National Bank 94 net?—A. It depends entirely upon the arrangement we made. If I had agreed to take a certain amount at this price, I should have been obliged to pay for it.

Q. Does not the idea of a commission preclude the idea of a sale at a fixed price?—A. Not at all. If you will permit me, I will give an instance. The First National Bank, for instance, agrees to pay me 2½ commission if I would place a certain loan on the other side. But in order to give me this option, I would have to take a certain amount firm, with an option to the balance. It is not reasonable that they will give you any to sell on commission without your taking a certain portion firm. Then you are bound to take it at those prices.

By Mr. CHIPMAN:

Q. That language "authorized by act of Congress, February 21, 1872," does not relate to the act under which the District government was authorized—that Congress authorized the District government, which subsequently authorized the loan?—A. That is the way I look upon it.

Q. Were you deceived in the purchase of these bonds by any statement that Congress had authorized these bonds?—A. Not at all.

Q. Did you ever authorize any one to state that Congress had authorized these bonds?—A. No, sir. It was necessary to show some authority, whereby the District was authorized to make this loan. That was the meaning of the language, I suppose.

Q. Have you ever heard that any of the purchasers were deceived by the use of that language?—A. None have been that I am aware of.

Q. Have you had any complaints from the purchasers, that they have been deceived by the language?—A. Not at all.

Q. Will you glance over this bond and see whether that is the bond?—A. Yes, sir.

Q. I see in this the following language: "This bond is issued in pursuance of the act of Congress of the United States entitled An act to provide a government for the District of Columbia, approved 21st of February, 1871, and of an act of the legislative assembly of the District of Columbia, entitled An act making appropriations for improvements and repairs in the District of Columbia, and providing for the payment thereof, approved July 10, 1871, and An act relative to the interest on the loan or bonds authorized to be issued by the District of Columbia, approved December 16, 1871." Did you believe, or did your house on seeing this bond, that the United States had guaranteed its payment?—A. O, no. If the United States had guaranteed it, we should have had a different price.

Q. Would the language have been different if you had that guarantee?—A. I think so, by all means.

By Mr. CREBS:

Q. Supposing the First National Bank had employed you at a certain per cent. to sell these bonds, say at 94 or 96, and had agreed to pay you 2½ per cent., and you took \$100,000 worth to sell, if you could not sell them you would not be liable for the bonds?—A. That depends upon the agreement.

Q. Suppose you took them on commission and sold \$50,000; you might return the other \$50,000?—A. Yes, sir; if there was such an understanding. But we absolutely took \$1,500,000 firm. Other cases are governed entirely by the agreement that you make. If we could not have sold the bonds, we would have been obliged to keep them in our safe.

By Mr. ELDRIDGE:

Q. Have you availed yourself of your option?—A. Yes, sir.

Q. To what extent?—A. The entire amount. We have so notified the First National Bank.

Q. Then you have now taken them all absolutely?—A. Yes, sir; or rather they belong in reality to the purchasers in Europe.

Q. Is there any condition whatever upon which they are to be returned to the First National Bank, or any part of them?—A. None whatever.

By Mr. CHIPMAN:

Q. I want to ask your opinion as a banker, as to whether Governor Cooke, in negotiating this loan in New York City at 94 net, made a good or a bad bargain in that particular for the District; in other words, was it a good negotiation or a bad one?—A. I should think it a very good one under the circumstances.

Q. Why?—A. Because there are so many American securities now offered, particularly in New York, that a bond of this kind at 94, a new bond, I should think it a very high price for it, and it was so considered at the time.

Q. Do you know any other municipal bonds, of other cities in the United States, now quoted in New York as high as 94?—A. Yes, sir; several of them, while there are a good many that are a great deal less.

By Mr. DARRELL:

Q. Is there any limit to the time at which you were to take the balance of the bonds?—A. We have notified the bank since we disposed of the bonds that we would take the balance. We are bound to take them according to the agreement.

By Mr. GREEN:

Q. When are they delivered to you?—A. According to the demands of the District.

By Mr. DARRELL:

Q. Was the principal of these bonds gold or currency?—A. Currency.

Q. Was it so represented in Europe?—A. Yes, sir.

WASHINGTON, D. C., *March 18, 1872.*

MATTHEW G. EMERY recalled.

By Mr. GREEN:

Question. Did Mr. Shepherd state to you, when he applied for the order for the work on F street, that he thought \$600 would be ample compensation?—A. The amount appropriated was \$600; but I did not suppose it would cost more than about \$300, at 16 cents a foot; which was the amount I promised to pay the contractor. We did not suppose it would consume the whole appropriation.

(Some paragraphs of the former testimony of the witness as printed were then read.)

Q. Is that correct?—A. That is correct. As I stated it, there is no doubt of it.

Q. You do not wish to correct the statement in any respect?—A. I do not think I do. I will read it over carefully. (Witness having read the testimony, continued his answer.) I refer here to a letter which I sent to the legislature, which stated the facts just as they occurred at the time. I think this is exactly as I stated it.

Q. Did you put in a bid for a 6-inch curb for the public works?—A. I bid with my brother—M. G. Emery & Brother.

Q. At what price?—A. One dollar and nine and a half cents per running foot.

Q. Did you get the contract?—A. Not at once: some three or four weeks after, I signed an agreement that I would furnish the curbing at that price.

Q. To whom was the contract awarded, do you know?—A. Not to my own knowledge. I understood Mr. Strong had it, but I do not know whether that is a fact.

Q. Is it within your knowledge whether Mr. Strong furnished the curbing under that contract?—A. Only from hearsay. I have seen curbing, which it was said he furnished; but I know nothing of it.

Q. Are you familiar with the stone market?—A. Yes, sir; I have been in that business thirty years constantly.

Q. From your knowledge of the stone market, is it your opinion that Strong knew where he could get any stone to furnish them at 92 cents a foot?—A. He could do it better than I, if he could; that is all. I bid \$1 15 for that same kind that he furnished, and I bid for granite at \$1 09½; that was as low as it could be done and make a living profit. There was no way to make money on it, unless the person furnished an inferior article.

Q. Have you any objections to state where you received your stone from at that time?—A. No, sir; we dealt with two firms on the North River, in the vicinity of Saugerties. The Blue-stone Company was one firm, Mr. Field was their agent; and the company was Burnham & Barnard. We have dealt with them for a great many years.

Q. Did either of these parties come to Washington and obtain a contract for curbing?—
A. I understood so; I don't know the fact.

Q. Did you have any conversation with any of them?—A. I saw Mr. Field, who said he had made an arrangement to get an order for stone.

Q. At what price?—A. I understood him \$1 12. I am not positive.

Q. Was not that 5 or 10 cents more than you bid?—A. No, sir; the cost of that stone depends upon the work. You buy the rough stock at 60 cents a foot. The price depends upon the cost you put on it in dressing. His bid was low enough, if it was dressed according to the specifications. If they would accept an inferior article, then he would make money, and that is about the whole of it.

By Mr. HARMER:

Q. Do you know that Mr. Field got the contract?—A. No, sir.

Q. Do you know whether he ever got any contract?—A. No, sir.

By Mr. GREEN:

Q. Did Mr. Field or any other of this company state to you that there was a margin in that contract, which was to be divided between certain parties?—A. I think not, sir.

Q. Would you have furnished that stone cheaper if you had known it was to be 5-inch instead of 6-inch?—A. Yes, sir.

Q. How much?—A. Five-inch curbing had been furnished for 65 cents—the ordinary 5-inch curbing, that has been used here for years back. I think they called for a better quality of dressing than we had been accustomed to give, which would cost not exceeding 15 cents, making the price of the 5-inch curbing from 75 to 80 cents. I bid on the 6-inch curbing. I heard that Mr. Strong furnished some 5-inch curbing.

By Mr. HARMER:

Q. Do I understand you to say that the price of curbing is regulated entirely by the amount of dressing put upon the stone?—A. The rough material costs about the same at the quarries, and what we call ax-dressing is one price; then there is the fine ax-dressing, and the hammer-dressing, three qualities; and there is a difference from 5 to 10 cents a foot for the different qualities. The rough material is of the same, and the higher price depends upon the amount of work put upon it.

By Mr. GREEN:

Q. Did not you complain of Mr. Field about his coming down here to take a contract when you had been dealing with him so long?—A. I did, after he received that; I had traded with him for twenty years.

Q. What was his answer?—A. That he would make things right with me in dealing. He wished to retain my custom, and he would make it right. He said he could not do otherwise than to make a bid, as they had asked him to do so.

By Mr. HARMER:

Q. Did he underbid you?—A. No, sir; we had never been furnishing 6-inch curbing here. I did not know what I could do in purchasing that at the North River. I depended almost wholly upon the people at the quarries.

WASHINGTON, D. C., *March 18, 1872.*

D. L. EATON duly sworn and examined.

By Mr. GREEN:

Question. State your name and residence.—Answer. D. L. Eaton; Washington.

Q. Were you examined before the committee of the council in regard to the market-house in the northern part of the city some time since?—A. Yes, sir.

Q. I have read your testimony in that matter, and I see that you assign as a reason for preferring the Corcoran square, that there was to be a railroad running out Seventh street; when did you first learn that that railroad was to run out there?—A. I don't know, sir; I learned it from hearsay—from the general understanding in the community. It was not to run out Seventh street, but on P street; the railroad now runs out Seventh street.

Q. Your testimony related to running out on Seventh street beyond the boundary.—A. I said so, probably; I don't recollect.

Q. Can you fix the time when that railroad was to be built?—A. It would be utterly impossible.

Q. Was it not early in the summer?—A. It is probable, because it was a subject of general conversation.

Q. Was it before the improvements were made on Seventh street, or afterward?—A. I could not say.

Q. You say it was the general understanding in the community; do you know how that general understanding arose—from what facts or circumstances?—A. As far as I could state, in endeavoring to answer your question, I should say that it arose from the general desire and need of such a road; that is the way it came to me.

Q. Was that prior to or after the work was commenced on the Seventh street road?—A. If the committee will allow me to state a little more at length, I will say that I live beyond the boundary, and, very naturally, many of us out there desire to have a more direct and convenient communication with the city than we have; and our general conversation was that it was desirable all around that the railroad should be extended. Further than that, I could not positively answer.

Q. Was not the building of that road one of the main objects for the work on Seventh street?—A. It would be impossible for me to answer that.

Mr. GREEN here asked to submit some correspondence published in the Patriot of July 11, 1871, between Mr. George S. Gideon and Hon. A. S. Solomons. There being no objection, the correspondence was received, and is as follows:

"THE BOARD OF REGISTRATION—WHAT ITS EXPENSES WERE, AND HOW THEY WERE MET—RICH AND RACY—LETTER FROM MR. GEORGE S. GIDEON.

"The house of delegates some time ago directed the ways and means committee to ascertain the expenses of the late board of registration, and, in pursuance of that order, Mr. Solomons directed the following letter to Mr. George S. Gideon:

**"HOUSE OF DELEGATES, DISTRICT OF COLUMBIA,
Washington, June 20, 1871.**

"DEAR SIR: The house of delegates has directed that a bill of items of each charge made by your auditing committee of the board of registration, of which you are the chairman, be submitted to the committee of ways and means of this house, and I therefore have the honor to respectfully request a compliance therewith at your earliest convenience.

"Very truly, yours,

**"A. S. SOLOMONS,
"Chairman Committee of Ways and Means.**

"GEORGE S. GIDEON.

"To this request, Mr. George S. Gideon responded as follows:

"WASHINGTON, D. C., June 30, 1871.

"DEAR SIR: Absence from the city has prevented an earlier reply to your communication of the 20th instant, informing me that 'the house of delegates has directed that a bill of items of each charge made by the auditing committee of the board of registration (of which I was chairman) should be submitted to the committee of ways and means.'

"Permit me to say that the auditing committee has made no 'charges.' It did examine and approve some bills contracted by the board of registration, and, if I remember correctly, each of those accounts, with the exception of that of Colonel Owen for refreshments, contained the 'items' of charges against the board. Assuming, therefore, that your request has sole reference to his account, I will endeavor to furnish the information you desire to possess.

"During the long sessions of the board of registration, its members, their clerks, and necessary attendants were daily provided with refreshments. Commencing business each day at the hour of 9 a. m., and frequently remaining in continuous session until 'the dead vast and middle of the night,' (Shakspeare,) they found it absolutely essential to make provision for 'the inner man,' (Ephesians.) As the labors of the board occupied forty-two days and nights, a period exceeding by two days the duration of the flood, (not, however, the inundation of our city canal, referred to by the prolific pen of Mr. B. Severson,) but the great deluge which, occurring some years since, gave Mr. Noah so prominent a place in sacred history, (see Book of Genesis,) you will, I am sure, appreciate the difficulty of detailing every item of the forty-two dinners, and of the nearly equal number of evening meals, of which the board partook. This difficulty is enhanced by the incontrovertible fact that 'the tastes of the palate widely differ,' (Woodhull & Claflin,) and that 'dyspepsia, the stomach's nightmare,' (Esculapius,) too often, alas, compels its sad victims to 'consult digestion rather than the appetite's cravings,' (Beau Hickman.) Desirous, however, of furnishing information deemed so important, I have appealed to memory, 'the purveyor of reason,' (the Rambler,) and from its recesses have called forth pleasurable recollections of the following bill of fare:

"1st. *Potages*—Consomme; Printanier; a la Paysanne; a la purée de Pois; Potage aux Huitres; Potage Huitres a la Créole.

"2d. *Huitres*—Crues; Frites; Grillées.

"3d. *Poisson*—Eperlaus Grillées; Tête de Mouton, Sauce aux Œufs; Morue frite.

"4th. *Bœuf*—Bœuf aux Chaux; Bistek grille; Entrecote aux Oignons.

"5th. *Mouton*—Gigot Bouilli; Ragout a l'Irlandaise; Lamb fries.

"6th. *Veau*—Tête de veau; Langue; Foie de veau frit au petit salé.

"7th. *Porce-Pieds* de cochons grilles; Saucisses; Boudin noir.

"8th. *Volaille*—Fois de Volaille Sautes; Dinde au Naturel; Canard aux Navets.

"9th. *Rotis*—Cochon de Lait farci.

"10th. *Legumes*—Pommes de Terres au Naturel; Petits Pois; Haricots vert.

"11th. *Œufs*—Œufs a la Coque; Œufs et Jambon.

"Having with much care given in French the designations of the 'viands of various kinds which allured the taste,' (Pope,) it occurs to me that it may be barely possible that to some of the honorable delegates of the District legislature the court language may not be quite so familiar as their own vernacular. If this should, unhappily, be the case, I will forward an English translation if desired.

"It only remains for me to add that occasionally—indeed, I may frankly say, *semi-occasionally*—'You know how it is yourself,' (Lydia Thompson,) some of the more ardent members of the board partook of a little whisky straight, while others appeased their thirst with lemonade, coffee, and tea.

"Trusting that the information herein contained will prove satisfactory, I am, with much respect, your obedient servant,

"GEO. S. GIDEON,

"Chairman Auditing Committee of the Board of Registration for 1871.

"Hon. A. S. SOLOMONS,

"Chairman Committee Ways and Means, House of
Delegates of the Legislative Assembly of the District of Columbia."

WASHINGTON, D. C., March 18, 1872.

NATHAN SARGENT recalled.

By Mr. GREEN:

Question. Are you sufficiently familiar with the operations of the old levy court to state to the committee approximately what was the amount of the salaries paid yearly?—Answer. I presided over the court four years, and the law organizing that was drawn up by myself, and the whole court was gotten up by me. The members of the court were nine, and held their offices three years, three going out each year. They received \$4 for every day we sat in court, or devoted their time to the business of the county; we sat once a month, unless we had some extra business. Our pay for the year amounted to from \$50 to \$60—sometimes a little over. The regular sessions were one a month, and the salary for those was \$48 a year; we sometimes had four or five extra sessions, for which we had \$4 a day. Then, again, there was a committee on improvements, consisting of three, whose business it was to lay out roads and supervise them, and employ the laborers upon them; they had more duties than the other members of the court on that account. They were also assessors of the county, and for that service received \$4 a day, and they also sat as a board of appeal; but I do not think that they each received, for all other services, over \$200 a year—certainly not over \$250 in any one year. In addition to that, we had a clerk and treasurer, at a salary of \$900 a year, and a superintendent of roads, at \$1,200 a year. We employed counsel by the year, and allowed \$200; Mr. Cox, of Georgetown, was our counsel. We had a messenger, who waited upon our court, and upon the register of wills; we paid half of his salary, the whole of which was \$25 a month, so that that was \$12 50 a month; that includes all. There was a tax collector, who got his pay out of his commission. The aggregate expenses of all would not amount to more than \$3,500 a year.

Q. Please look at the statement made on page 189 of the testimony as printed, and state whether that is correct.—A. No, sir; that is altogether fabulous; there was nothing of the kind anywhere; nothing like it at all. I see it is put down as footing up something over \$28,000. When I went into that court, the orders were hawked about at whatever they could get. The law was that one-half of the expenses for the improvements of roads leading into the city should be paid by Washington, and one-half by the county, and the expenses of all roads leading into Georgetown were similarly paid. We found great difficulty in hiring laborers, and giving orders for the half; the city did not pay, and the consequence was that we could not hire laborers at anything like a reasonable price. I adopted the plan of paying the laborers every Saturday night; but Wallach thought that made too much trouble, and said if we would go on and make the bills \$1,000 at a time, it would be more convenient, so as to pay the whole in a lump. We went on in that way, and when I went out the city was indebted to us some \$3,000; I was out four years, and then went back, when I found that the debt was some \$28,000. We paid off a part of it; but, as the court was about to be abolished, we had to leave it as it was.

Q. Did your duties on the levy court make you familiar with the Seventh-street road?—A. Yes, sir; with every road in the county.

Q. State to the committee the condition of that road when you went out of office—whether it was impassable, as has been represented here.—A. All the roads of the county, at some

seasons of the year, were almost what might be called impassable, on account of the mud. The Seventh-street road was muddy like the rest; I don't know that it was ever impassable, but all the roads were in that condition of mud.

Q. Did your experience on the levy court enable you to form any correct estimate of how much was necessary to be expended to keep that road in good order?—A. We could not tell exactly; we supposed that if it was thrown upon the county it would require an expense of \$18,000, which we did not feel able to expend. Our expenses the first year were about \$10,000, we went along increasing till the expense upon the road amounted to \$25,000. Our estimate was that it would cost \$5,000 to \$8,000 to put it in such repair as it ought to be, and we were loth to assume the burden.

Q. Did that road require anything like the expenditure of \$120,000?—A. That would depend on the object. If you undertook to macadamize or pave it, or anything of that sort, that is another thing. We graveled and rounded the roads; the law required that the roads should be a foot higher in the middle than on the sides, and that the ditches should be deep, so that the water would run off.

Q. Has your attention been called to any of the improvements, so called, on East Capitol street?—A. Yes, sir; the subject has been up frequently.

Q. State what you know in regard to those improvements?—A. All I know about the improvements is in regard to the sewers that were dug last fall, and in the early winter. They were put down very deep. I don't know what improvements are anticipated there, or what is intended for that street.

Q. Were not these drain-pipes put down much too deep for any proper purpose?—A. All I can say is I don't know for what purpose they were put so deep.

Q. Have they any connection with other sewers?—A. I do not know.

Q. Has your attention been called to the so-called improvements, generally, as made by the board of public works?—A. As much as that of citizens generally who are interested. We feel an interest in the matter; but I don't feel competent to give a judgment in regard to the improvements.

Q. Have you had occasion to notice how this work is being done throughout the city in reference to judicious management or extravagance?—A. I am not an expert in that way; I have seen the hands at work a good deal; and I had rather not say anything about it. I don't feel competent to go into that. There is a sort of feeling about the taxes, that, perhaps, it would be better to spread the expenses over a longer time, and employ fewer hands at a time.

WASHINGTON, D. C., *March 19, 1872.*

JOSEPH VENNING sworn and examined.

By Mr. GREEN:

Question. Are you acquainted with W. A. Cook, corporation attorney?—Answer. I am.

Q. Did you copy certain bills prepared by him, which were afterward passed by the legislature?—A. None that I know of except the four-million loan bill.

Q. Where were these bills prepared and copied?—A. I do not know where they were prepared; they were copied at the Union Club-house on E street.

Q. Did you ever know a bill to be passed by the legislature that was not prepared and copied at the club-house?—A. Yes, sir; a good many of them.

Q. Did you get your pay from Wm. A. Cook, or any officer of the District government, for the copying done at the club-house?—A. I have been employed by Mr. Cook for the last four or five years, making briefs for the court in general term, and on other occasions. I get money from him; whenever I want three or four dollars I ask him and he gives it to me. I was not under a regular salary, but did writing off and on. And whenever he wanted writing done he sent for me.

Q. Were any members of the board of public works, or of the District government, present at the club-house when these bills were being prepared?—A. No, sir; not to my knowledge. I have seen them take their meals there.

Q. Did you ever know of their meeting there and arranging matters connected with legislation?—A. No, sir; not while I was there, and I was there six or eight weeks.

Q. Did you ever copy or read any contract whereby a member of the house of delegates was to have an interest in the work to be performed by the board of public works?—A. No, sir; I never copied but one, which was between Hewitt and Lewis and Major Morse, under the old corporation.

Q. Was any member of the District legislature interested in that?—A. No, sir; not to my knowledge.

Q. Have you made such a statement, that a member of the District legislature was to have any interest in it?—A. No, sir.

Q. Has Mr. Cook, or any other member of the District government, ever given you any money, to be used among men for making certain nominations?—A. No, sir; never.

By Mr. CHANDLER:

Q. You were not an employé of the District while doing this copying?—A. No, sir.

WASHINGTON, D. C., *March 19, 1872.*

P. L. SCHRIFTGIESSER duly sworn and examined.

By Mr. GREEN :

Question. Were you publisher, in part, of the Anzeiger newspaper?—Answer. I was.

Q. Did you do any printing or advertising for the government of the District of Columbia; if so, when?—A. I did; in August, September, and October, 1871.

Q. Who gave you the advertisement, and who aided you in procuring it?—A. I had a verbal order from Governor Cooke to copy the advertisements from the papers published in the English language.

Q. Did you have any contract as to the price to be paid before the advertising was published?—A. There was no agreement made, but it was understood that the usual charges would be made.

Q. What were they?—A. One dollar for a square of eight lines nonpareil for the first insertion, and 50 cents for each additional insertion.

Q. Did you take a partner into your paper; and, if so, when?—A. I took Mr. N. H. Miller; the second day of October, 1871.

Q. What were the inducements offered, or what was the consideration paid for taking him in?—A. Well, he pretended to have a good deal of influence with the District government, as well as in the General Government, to procure the government advertisements in support of the paper.

Q. Was your contract with him verbal, or in writing?—A. It was in writing. I have a copy of it.

Q. Are you still interested in the Anzeiger?—A. I am not. I left it about the 24th of January, 1872. I have a copy of the written arrangement by which I withdrew.

Q. Was all the advertising done for the government before you left?—A. It was.

Q. What was the amount of it?—A. The whole advertising amounted to about \$14,000, according to the charge made by Mr. Miller.

Q. Were those your usual charges?—A. They were not; he charged \$1 per square throughout.

Q. How much did you receive?—A. I have received from bills rendered by myself about \$300, and from Mr. Miller, up to the 25th of November, \$528. That is all I have received from that advertising.

Q. What was the value of your press and stock at the time Miller came into the concern?—A. About \$3,500.

Q. Did any one ever call upon you in reference to the course your paper should take in regard to the four-million loan and the District government?—A. No.

Q. Did you have any conversation with Captain Grant in relation to it?—A. I called upon different gentlemen to support the paper, as it was the only German newspaper in the city; and among others I saw Captain Grant.

Q. Did you ever tell Miller, your partner, that Captain Grant had offered you any sum of money?—A. I told him that I had a conversation with Captain Grant, and the captain was not very much impressed with the four-million loan, but he did not give me any inducements to go for or against the loan.

Q. Did not the advertising you got from the Government more than support the paper?—A. To publish a daily paper is very expensive, and if it is not supported by advertising it cannot exist.

Q. By whom was the price for advertising charged from fifty cents up to a dollar?—A. By Miller.

Q. Was Miller an officer of the District government at that time?—A. He was assistant district attorney, appointed by Governor Cooke.

By Mr. CHANDLER :

Q. Do you know whether the bills were paid as rendered?—A. Mr. Miller stated they were reduced; that one bill was reduced \$3,000.

Q. Do you know anything to the contrary?—A. No.

Q. Have you had a lawsuit with him?—A. Yes, sir.

Q. Was there a decree made in regard to your affairs in court?—A. Yes, sir.

WASHINGTON, D. C., *March 19, 1872.*

JULIUS SOLGER sworn and examined.

By Mr. COOMBS :

Question. During the session of the legislature were you employed as a clerk by William A. Cook?—Answer. I worked there at the club-room for Mr. Cook, copying bills and other work.

Q. Who prepared those bills?—A. I think Mr. Cook prepared most of them.

Q. Did you copy many such bills?—A. Not many.

Q. Was anybody else employed in a similar capacity?—A. Yes, sir.

Q. Who paid you?—A. I made out a bill and Mr. Cook signed it.

Q. Do you know out of what fund it was paid?—A. I think it was the judiciary fund; I am not sure about it.

Q. Did Mr. Cook have two clerks copying bills prepared for the legislative assembly?—A. Yes, sir.

Q. Was a large portion of the bills that were introduced so prepared and copied?—A. Very many of them were.

Q. Was the four-million loan bill one of them?—A. I cannot say.

By Mr. CHANDLER :

Q. What is the whole amount you have been paid for this work?—A. One hundred and seventy-five dollars.

Q. How were you employed by Mr. Cook in his office?—A. In copying.

By Mr. CREBS :

Q. Did you say there were two other clerks besides yourself?—A. Yes, sir.

Q. Were they engaged in the same employment?—A. Yes, sir.

Q. Do you know the number of laws that they drew up in that office?—A. I cannot give any definite number.

Q. Can you give any idea as to the proportion of laws passed that were drawn up in that office?—A. No, sir; I only copied them, and, perhaps, never saw them afterward.

By Mr. HARMER :

Q. Was there enough work to keep you employed?—A. Yes, sir; but we did other writing.

WASHINGTON, D. C., *March 19, 1872.*

W. W. MOORE recalled and examined.

By Mr. GREEN :

Question. Will you look at this paper and see whether it is a correct report of the proceedings of the house of delegates on the 10th of August, 1871?—Answer. I have looked at this report and I think it is correct in a general sense. I find no material error in it.

“THE TERRITORIAL LEGISLATURE.

“THURSDAY, *August 10, 1871.*

“THE COUNCIL.

“The council was called to order by William Stickney, esq., the president, at the usual hour.

“The bills for the relief of Frank B. Winter and J. T. Wormley were read a second time and referred.

“The bill regulating the inspection of flour was read a second time and referred.

“The council joint resolution authorizing the board of public works to fix the grades of streets was read a second time and referred.

“Adjourned

“HOUSE OF DELEGATES.

“Session opened with prayer by Rev. Dr. Hamilton, of Ryland (M. E.) Chapel.

“Mr. Campbell moved to reconsider the vote by which the house concurred in the council amendment to the bill making appropriation for white-washing police station-houses, reducing the amount from \$500 to \$200.

“The motion was agreed to, and the amendment non-concurred in.

“The bill in relation to reports of births within the District of Columbia, which was before the house at adjournment yesterday, was slightly amended and passed.

“On motion of Mr. Boswell, the rules were suspended, and the house proceeded to the consideration of business upon the calendar.

“The council amendments to the bills to lay water-mains on E street south from Seventh to Four-and-a-half; on Seventh street, from L street, down Water street to M, and in Sixth street, from G to N street south, were severally concurred in, and the bills passed.

“Mr. Bursley, by unanimous consent, from the committee on drainage and distribution of water, reported a bill to lay a water-main on K street north, between Sixth and Seventh streets west. Read a second time and laid over.

"Council bill making appropriations for defraying the expense of the board of health was read, and referred to committee on appropriations.

"The bill in relation to the sanitary condition of hospitals, asylums, schools, and other places within the District of Columbia, which was reported from the committee without recommendation, was read and laid over.

"The bill transferring the control of the erection of public lamps to the board of public works was read.

"Mr. Moore said he desired to have some information as to the necessity for the passage of this bill.

"Mr. Murray said that the work properly came within the duties of the board of public works, and he had introduced the bill to prevent the possibility of any disagreement or trouble in relation to the matter.

"Mr. Moore said there had been much trouble in relation to street lamps; and, as things were working well now under a superintendent of lamps, who was subject to law, it would be better to leave the lamps in such custody.

"Mr. Lloyd offered an amendment, requesting the board of public works to erect lamps along the Potomac River-front, from the Long Bridge to the Arsenal, but subsequently withdrew it.

"The bill was then read a third time and passed. Ayes 16, noes 1—Mr. Moore voting no.

"Mr. Lloyd then, by unanimous consent, introduced his amendment in the form of a resolution; which was adopted.

"Mr. Lloyd also, by unanimous consent, introduced a resolution appropriating \$50,000 for the improvement of the harbor of Washington. Referred to the committee on wharves and harbors.

"Mr. Burgess, on leave, introduced a bill fixing the commencement of the fiscal year of the District on the 1st of January. Referred to the committee on laws and judiciary.

"Mr. Boswell offered a resolution, which was adopted, requesting the council to return the joint resolution in relation to the farmers and butchers' market in Georgetown.

"A number of amendments to the bill to provide medical advice and medicines to the pauper poor of the District were acted upon, when the bill was recommitted.

"Mr. Campbell offered an amendment to the bill fixing the day for the commencement of the regular sessions of the legislative assembly, substituting the third Monday in October for the first Monday in November.

"The amendment was agreed to and the bill passed.

"The bill for the relief of J. H. Merrill was laid on the table.

"The bill to create the offices of commissioners of the sinking fund and to prescribe their duties was read a third time and passed.

"The bill providing for the payment of the expenses of the last election being next in order.

"Mr. Solomons stated that he was ready to report the evidence and details which had been required by the house.

"Mr. Cassin moved to lay the bill over till Saturday, and that the evidence in the possession of the committee be printed, so that members could have an opportunity to judge of the matter. He said the committee were unable to make a report upon the bill, and as the members were called upon to judge, they should have the evidence before them.

"Mr. Campbell opposed the motion to print the evidence.

"Mr. Solomons explained that the committee reported back the bill because they believed that it was out of their province, the organic act having put the matter in the hands of the governor.

"Mr. Campbell said he was ready to go on and dispose of the bill.

"Mr. Lloyd said that as the chairman of the committee had reported the bill without recommendation, he understood that the bill was of such a character that he could not, as a man of honor and under oath as a member of the house, recommend its passage.

"The motion to postpone and print the evidence was rejected—ayes 8, noes 10.

"Mr. Boswell moved the previous question.

"Mr. Moore asked that the papers might be first read.

"The SPEAKER. They can be read after the previous question is ordered.

"The previous question was seconded by the following vote:

"YEAS—Messrs. Boswell, Brown, Burgess, Bursley, Campbell, Hall, Handy, McKnight, and the speaker—10.

"NAYS—Messrs. Cassin, Cox, Harkness, Hogan, Lloyd, Moore, and Solomons—8.

"The question now recurring on ordering the main question,

"Mr. Lloyd said that he was ready at all times to pay all bills that were proper and just, but he could not vote for a bill of which he knew nothing about the details. He had not expected that on a bill of this kind all debate would be cut off, and all opportunity for a consideration of the subject.

"Mr. MOORE. I now call, Mr. Speaker, for the reading of the papers.

"The SPEAKER. They cannot be read, as the clerk informs me they are not in possession of the house.

[“Mr. Solomons, while the vote was being taken, had gathered the papers from the clerk’s table and put them in his pocket.”]

“Mr. MOORE. Did you not say, Mr. Speaker, that the evidence should be read?”

“The speaker replied that he had said so, under the impression that the evidence was before the house. He now found that it was in the hands of the committee, and it could not be read.

“Mr. MOORE. How did the papers get out of possession of the house?”

“The speaker said he had nothing to do with that. He could not recognize the papers were out of the hands of the committee.

“Mr. MOORE. Is it possible that the chair will make such a decision in the face of the proceedings just had? Two or three motions have been entertained and voted upon in reference to these papers. It is too late to say they are not in possession of the house.

“The speaker here called to order, using his gavel and his voice with more than ordinary vigor, while the calls to order were repeated by members, the whole presenting a scene of unusual excitement and confusion.

“Mr. Moore continued to denounce the proceeding as one which, for duplicity and party tyranny, was without a precedent in legislative annals, and one which would not only crush its authors beneath popular indignation, but ripen into conviction the suspicions already existing that the claims provided for in the bill were corrupt and fraudulent. Their authors and supporters dare not let the details of this monster bill meet the public eye; nay, not even the eyes of members of this body, who are required blindly to sanction them.

“The speaker kept up a constant hammering with his mallet, and Mr. Moore continued denouncing the action of the majority at the top of his voice.

“When the name of Mr. Harkness was called, he said the proceedings of the house had been of so remarkable a character that he could not, unless by coercion, be induced to take any notice of the proceedings. He asked to be excused.

“Several members objected to him being excused, and

“Mr. Moore demanded the ayes and noes on the question of his being excused.

“The speaker refused to put the motion, and said the gentleman would be excused from voting.

“Mr. Moore insisted that it was for the house, and not the speaker, to excuse members from voting.

“The speaker persisted in his refusal to put the motion.

“Mr. Harkness took his hat and retired from the hall.

“In explaining their votes upon the passage of the bill, Messrs. Lloyd and Moore denounced the course pursued by the majority in passing this bill, when the committee reporting it could not make a favorable report on it.

“Mr. Moore declared the charges exorbitant. The whole thing was unaccountable, and the honesty of some of the bills very questionable.

“Mr. Solomons explained the action of the committee, and admitted the bills were exorbitant and extravagant. He considered the bills much larger than they ought to have been, but the District was legally bound for them, and they would have to be paid. He should, therefore, vote for the bill.

“The bill was passed by a strict party vote.”

Q. Do you know of any occasion on which they passed bills without permitting them to be read?—A. I have known some occasions when the bills were not read on three several days, as required by law. One bill at the last session particularly, which appropriated \$1,000,000. I protested against it myself, and so did other members. That was on the 17th of January.

By Mr. HARMER:

Q. What was the vote on that bill?—A. It was passed 14 to 6.

By Mr. COOMBS:

Q. Have the acts of the last session of the general assembly been published?—A. No, sir.

Q. Is that an act of the last session?—(The paper handed to witness.)—A. It is a part of one. It is correct as far as it goes, but there is a preamble which is not here.

Q. Have you made any computation to show what the rates of taxation will be under the tax-list?—A. This act assesses 80 cents in addition to the previous rates, which were \$1 70 upon the hundred dollars; other taxes are accruing, in the way of interests and loans, to a large amount, that amount depending upon the loans which shall be negotiated.

Q. Did you ever examine that table?—A. Yes, sir; that is my own computation. The amount is put down very nearly. The table is as follows:

For the District fund	\$0 70
Lighting the city	15
Metropolitan police	20
The public schools	60
The ten-year bonds	10
Interest on four-million loan	37

Principal on said loan.....	\$0 22
New water-main.....	06
Piedmont Railroad.....	05
Interest on second four-million loan.....	37
Market-house bonds.....	07
And at the subsequent extra sessions of the legislative assembly taxes have been imposed as follows:	
For payment of the floating debt.....	30
Interest on old funded debt.....	15
The seven-thirty certificates.....	25
Chicago fire-bonds.....	04
Total tax on every \$100 valuation.....	<u>3 63</u>

The total, part of which is hypothetical, is \$3 63 on every \$100.

Q. Have you examined the testimony of various publishers in regard to advertising?—

A. I have glanced at it. The prices are above the ordinary charge.

Q. What has been your experience in regard to printing in this District?—A. I have been connected with printing here upwards of fifty years. I made a contract for printing the laws of the corporation at \$1 40 per page. The page contained 1,500 ems. The page of the present contains less than 1,200 ems. But the side-notes should be added, which would bring it up to about 2,000 ems. But even then the price would be largely in excess.

By Mr. ELDRIDGE:

Q. When was your work done?—A. Last year.

By Mr. COOMBS:

Q. Can printing be obtained by private persons for about \$1 50 a page?—A. Yes, sir; in regard to the laws of the corporation, I should say that there were printed 400 copies. Of these there were 500 copies; but the only difference would be in the cost of the paper for the extra 100 copies which would be about \$12. I examined the bills for printing, and I know that that from the Republican office was just three prices, and so with the rest of the bills, as a general thing; they were all largely overcharged.

Q. Are you well acquainted with the city hall?—A. Yes, sir.

Q. Do you know how many rooms there are in the building?—A. Some twenty-five or thirty in each wing, including the basement rooms.

Q. Do you know how many rooms there are in all in the west wing?—A. At least from twenty-eight to thirty, and the east wing is the same size, though the rooms are not divided in the same way.

Q. When you were a member of the house of delegates did you observe members of the board of public works coming in there frequently, and exercising an influence on the legislation?—A. Yes, sir; the secretary of the board was there repeatedly; and, of course, had considerable influence.

Q. Do you know of any special instances of their interfering?—A. I have seen them on the floor.

Q. Do you know anything about the grading of the streets, that has been done under the board of public works?—A. No, sir; except in the neighborhood of my office. I have not been about much. I have seen the gradings changed that I didn't understand the necessity for.

By Mr. CHANDLER:

Q. Are you the secretary of the memorialists who are prosecuting this investigation?—A. No, sir.

Q. Are you connected with the Citizens' Association?—A. Yes, sir.

Q. Did you prepare this document, signed "committee of seventy"?—A. I prepared the figures, but not the argument, all of it, nor is that my signature, "committee of seventy."

Q. Is there any such committee of seventy?—A. I do not know of any.

Q. On what assessment or valuation of property have you made these figures on the first page?—A. On the amount of \$62,000,000.

Q. Are you not aware that the assessments for the current year are \$90,000,000?—A. I have seen it so stated.

Q. You speak of the taxes for the payment of the floating debt as 30 per cent. on the valuation?—A. There are no estimates about that. It is in consequence of the act.

Q. Do you include it as the floating debt?—A. Yes, sir.

Q. Are you aware that it is intended to provide for this by special legislation?—A. Then it will be doubly provided for.

Q. But if that portion of the debt should be funded it will not be liable to come out of the taxes?—A. No, sir.

Q. Does this \$62,000,000, upon which you have made your estimates, include the prop-

erty of the county?—A. No, sir; it includes only the city of Washington. The taxes imposed upon Washington was double the amount imposed upon the county last summer.

Q. If you estimate upon the \$4,000,000 for the purpose of raising the sinking fund, why should you not apply it to the whole county?—A. I do not know whether I have done that or not.

Q. As a matter of fact, have you not based your estimates upon the \$62,000,000, in Washington alone?—A. I will answer that I am not quite positive. I may have fallen into that mistake. I will make the estimate and bring it in to-morrow, if gentlemen desire it.

Q. If you do this will you be kind enough to base your estimates upon the valuation of \$90,000,000, and upon the whole District?—A. That would not be equal. We are assessed just twice the amount that the county is assessed.

By Mr. HARMER:

Q. Is one recognized as a city tax and the other as a rural tax?—A. The law as first made put it all in one general fund.

Q. But the rate is different, is it?—A. Yes, sir.

Q. Is that in consequence of their having a police, gas, &c., in the city, and not in the county?—A. They have a police in the county. They do not have gas there.

By Mr. CHANDLER:

Q. Will you be kind enough to submit an estimate, based upon the valuation of the county, in all \$90,000,000?—A. I will try it in this way, but I would like to say that the bill imposing this tax specifically applies the assessment to the present valuation.

Q. And I also wish to request that you will assign the taxation where you think it belongs.

WASHINGTON, D. C., March 19, 1872.

L. J. HINE sworn and examined.

Question. State your occupation and name.—Answer. L. J. Hine; am a lawyer.

Q. Have you had occasion, in your practice as an attorney, to have the records searched in reference to the number of mortgages and incumbrances upon A. R. Shepherd's property?—A. I caused the records to be examined by one of my clients.

Q. Have you an abstract of that?—A. I have an abstract not made by myself. I know nothing about its accuracy.

Q. Who made it?—A. William G. Flood.

Q. Is he recognized as an expert in that business?—A. I employ him in my business of that kind. His opinion would not be of any value, because he is not a lawyer and has not given any attention to titles, except to ascertain where these may be found. I employed him to perform clerical work.

(The testimony which it was proposed to present by this witness was considered irrelevant, and the witness was therefore dismissed.)

WASHINGTON, D. C., March 19, 1872.

SAMUEL FOWLER duly sworn and examined.

By Mr. COOMBS:

Question. State your name and residence.—Answer. Samuel Fowler, Washington.

Q. What is your occupation at present?—A. I have no occupation at present.

Q. What kind of business are you interested in?—A. None particularly.

Q. Do you know anything about this contest in regard to the purchase of ground for a market-house in the northern part of the city?—A. In the early part of September last, I learned that they were about locating a market, and, to my surprise, I heard it was to be on what is called Savage square, No. 515. I had seen in the papers that Mr. Corcoran had offered his square, No. 446, and I was induced by Mr. Thyson, who owns considerable property in the vicinity of the Corcoran square, to call and see the governor. I called upon the governor with a proposition from Mr. Thyson, that he owned a couple of squares adjoining the Corcoran square; he was willing to sell one of them at 50 cents a foot, and the other at \$1 a foot. The governor stated that it was of no use to offer any property in that locality; that if Corcoran offered his, he was in favor of accepting it, and advised me to go and see the committee of the legislature who had the matter of the market in charge. I called on Mr. Gulick, with whom I was slightly acquainted, and I made to him the same proposition about selling the property of Mr. Thyson which I had made to the governor. He said it was decided to take the Savage square; that he was not interested in any place, but thought it was too far out. He said Mr. Corcoran had offered his property for \$100,000, instead of \$160,000, as had been reported in the papers. I left him, thinking the thing all

gone up as far as we were concerned. In about a week or ten days, not seeing any correction in the papers in regard to the price of Mr. Corcoran's lot, I caused it to be corrected myself. After that Mr. Gulick called to see me; not finding me in my office, he left a note for me, inviting me to call and see him the next day.

The note is as follows :

"Will Mr. Fowler please call and see me to-morrow (Tuesday) morning, between 8 and 10 o'clock.

"GEO. F. GULICK.

"SEPTEMBER 25, 1871."

I called on him accordingly, and he told me that he thought the matter could be arranged, but that the Savage party were bidding high for it. I told him if he would give me any data to go upon, I would try and see what I could do; that a number of us were interested in securing the Corcoran lot, regarding it as the very best place; and that if we gave anything, it would be out of our own pockets and would damage no one. He agreed with me. I then went away, and a number of the friends who were interested made up a sum of money, and agreed to give it, though we did not make up the amount we wished to. As the governor was on the eve of leaving for Europe, I, as one of a committee appointed for that purpose, waited on the governor. The governor told us emphatically that he favored the purchasing of the Corcoran square. That threw us off, and no further efforts were made. In the mean time I saw Mr. Gulick from time to time, but nothing special occurred.

Q. You say you did not succeed in raising the amount; what amount do you mean?—

A. Mr. Gulick said he thought if \$12,000 could be raised, the location could be changed.

Q. To whom was this to be paid?—A. He did not say.

Q. What were you going to do with the money?—A. I would have paid it over as he directed me.

Q. Was there an agreement or an understanding between Mr. Gulick and yourself that if \$12,000 were raised he would use his influence on the committee to locate—

(Question objected to by Mr. Chandler.)

A. I do not know that there was anything more definite than that; if I raised the money I expected the thing to be accomplished. I asked very few questions about it.

Q. Afterward, the location, as far as the committee was concerned, was changed to Savage square?—A. They had it all fixed before I saw Mr. Gulick, and had ordered, as I understood, an attorney to examine the title.

Q. Did you understand how much the Savage square might be?—A. No, sir.

By Mr. CHANDLER :

Q. Do you own land in the vicinity of the Corcoran square?—A. Yes, sir.

Q. You were interested in having the market there?—A. Yes, sir.

Q. Having learned that the committee had decided to locate on Savage square, you made an effort, as you said, to get a change of location?—A. I did.

Q. And went to Mr. Gulick for that purpose?—A. Yes, sir.

Q. Did not you first propose to him the payment of money, and suggest that property-holders would pay money if they could have the location changed?—A. I think Mr. Thyson proposed that if they would buy the upper square at 50 cents a foot, he would give \$15,000, and I believe I stated I would divide with him.

Q. Did you offer any definite amount?—A. No, sir; I went to Mr. Gulick with the fixed purpose to make the proposition as given to me, and I stated that I would divide the matter. I regarded the square as cheap, and would pay that amount for it myself.

Q. After that did you still continue to make offers to get the location on Thyson's lot?—A. No, sir; I said no more to Mr. Gulick till after the correction was made in the papers contradicting the statement that Mr. Corcoran had offered his square for \$160,000. I had that corrected in the newspapers, and after that Mr. Gulick called to see me, but not finding me in my office, he left the note to which I have referred, and I called to see him at his instance.

Q. Did you raise the money proposed?—A. No, sir.

Q. Did any of the property-holders make pledges to any considerable amount?—A. They did of small sums.

Q. How much did you give?—A. I had no money; I intended to give ground.

Q. Were you to have any part of that \$12,000?—A. No, sir.

Q. How much did you estimate that the location of the market on Corcoran's square would benefit your own property?—A. Twenty thousand dollars.

Q. Were you a party to the conflict on this question before the legislature?—A. No, sir.

Q. Did you testify before a committee of the legislature on this subject?—A. Yes, sir.

Q. Did you have any reason to suppose that Governor Cooke had any knowledge of the character of your negotiations with Gulick?—A. No, sir.

Q. Did any member of the board of public works?—A. No, sir.

By Mr. ELDRIDGE:

Q. You say that when you went to Mr. Gulick, you told him that if he would give you

any data to go upon you would take some action ; what was his reply to that?—A. For a time he said nothing, but finally stated that he thought \$12,000 would effect a change.

Q. That was when you called upon him at his instance?—A. Yes, sir.

Q. Did he say anything as to what was to be done with the \$12,000?—A. I think he said it was to be divided ; but I did not inquire in what way. At one interview I stated that what we gave would be out of our own pockets, and that no part of it would come out of the government.

Q. Is this Mr. Savage, or the Savage family, connected with the government ; do they hold any office?—A. Not that I am aware of.

Q. Was there any intimation from Mr. Gulick that he was to have any part of this money?—A. I think he said he would not use any of it.

Q. Was his statement to you that you could buy off opposition, or what was it?—A. I inferred that he could influence the committee to change their vote.

Q. Of whom did the committee consist ; whom did you know?—A. I knew Mr. Dickson and Mr. Carroll by sight.

Q. How many were there on the committee?—A. Five or six ; but I think there was a sub-committee who had been designated to decide on the site of the market. It was a joint committee, I believe.

Q. Of which house was Mr. Gulick a member?—A. He was a member of the council.

Q. Did he own any property near either of the proposed markets?—A. He stated he did not own any near either locality, and was not interested.

Q. Was it your purpose to buy somebody on the committee?—A. No, sir.

Q. Who made the suggestion about giving money?—A. The first suggestion was made when I called on Gulick, offering to sell either of the squares of Mr. Thyson. I stated what he would take, and what he would give ; that he would give \$15,000 if I would sell his square for this purpose ; and I told Mr. Gulick that I would be liberal, and divide with Mr. Thyson. Mr. Gulick said it was all fixed, that they decided to take the other square ; and I left with that understanding, and did not see him again until he invited me to call and see him.

By Mr. CREBS :

Q. Did Mr. Gulick say that if you paid the money it would come out of your own pocket, but if paid by the Savage square party it would come out of the government?—A. I so understood.

Q. Did he explain that?—A. No, sir.

By Mr. POLAND :

Q. Was there anything said between you and him, whether if this \$12,000 was paid it was to go so far toward relieving the government from the price they would have to pay?—A. No, sir.

Q. You understood from the conversation that it was to go to some person?—A. Of course I did. I should have paid it to Gulick, or anybody whom he designated.

By Mr. COOMBS :

Q. What has been your business heretofore?—A. I have been in the banking business.

WASHINGTON, D. C., *March 19, 1872.*

A. R. SHEPHERD recalled.

By Mr. GREEN :

Question. Where does Governor Cooke live, and where did he live when appointed?—Answer. At the foot of Georgetown Heights.

Q. Where does Mr. Magruder live?—A. Within a couple of hundred yards of the governor.

Q. Where does Mr. Mullett live?—A. About four blocks below Governor Cooke.

Q. Where does Mr. Brown live?—A. In the county.

Q. Where did you live, at the time you were appointed?—A. In Washington, where I have always lived. I was born here.

Q. Those five persons constitute the board of public works, do they not?—A. Yes, sir.

Q. Has the engineer, Mr. Mullett, any other occupation?—A. He is supervising architect of the Treasury.

Q. How many of the board of public works reside in Washington?—A. One.

Q. Does the board of public works purchase tools for the laborers, picks, shovels, &c.?—A. Yes, sir.

Q. Did they purchase on bids?—A. They obtained propositions from a half a dozen persons or so, and purchased where they could the cheapest. The day-laborers who work for the board had no money to buy tools, and the board purchased them, and then deducted the amount of cost at the end of the month or week.

Q. Do you know how much they charged for them?—A. I don't know; they were supplied to the laborers at the cost price.

Q. Will you furnish a list of the prices at which they were purchased and at which they were charged to each of the hands?—A. I will.

Q. Does the board own any carriages and horses?—A. They own two or three.

Q. From whom did they buy them?—A. From Andrew Joyce, I think.

Q. For what purposes are those carriages and horses used?—A. For the purposes of the board.

Q. For any private purposes?—A. I think not.

Q. You stated the other day that you had never seen Mr. Tweed?—A. I did.

Q. Will you look at that letter and see if it refreshes your memory?

[The paper examined by the witness.]

“FEBRUARY 21, 1872.

“MY DEAR SIR: Since I wrote you this morning I have been informed that Mr. Shepherd did once call on me, in company with a committee, and that I directed the chief clerk of the department of public works, of which I was then commissioner, to show him the workings of the department and its forms, which he did. The matter had escaped my recollection, and I now have not the slightest recollection of it, but presume it is so. I write this that you may know exactly my relation with Mr. S.

“Yours, &c.,

“W. M. TWEED.

“BEN. E. GREEN, Esq.”

A. I don't see that it refreshes my recollection any. I said all I had to say on the second examination, viz: that a friend of mine took me, as I was passing up Broadway, to the engineer's office, and showed me the forms, some of which were given me. I never saw Tweed; never was introduced to him, never asked to be introduced to him. If I had I should have no hesitation in saying so.

By Mr. CHANDLER:

Q. Did you have any correspondence with him?—A. Never.

By Mr. GREEN:

Q. I wish you to look at that list of the stock-holders of the Washington Club, and see how many of them are contractors for the board of public works?—A. There are only six out of some forty.

Q. How many are connected with the District government?—A. There are four: Governor Cooke, General Chipman, George E. Baker, and myself.

Q. In what kind of payments were you paid \$19,000 for that club-house?—A. In notes altogether.

By Mr. CHIPMAN:

Q. Did I have any share in the profits you derived from the sale?—A. I do not think you were unfortunate enough for that; I lost considerably on it.

Q. Have I had any connection with the sale of the building to the club?—A. None whatever.

By Mr. CREBS:

Q. Have you looked over the tax list as prepared by Captain Moore?—A. Yes, sir; and I think my friend, the captain, is entirely in error in regard to it. If the committee would like it, when he makes up his figures I will make up mine. I see he has for the public schools 60 per cent. A great part of that expense was for the erection of a number of public school-houses. The point now is what the rate of taxation will be for next year, and I think that the figures submitted, \$1 70, will be sufficient without increasing the taxes of the city one dollar. These improvements can go on, and the interest can be paid on the four million loan, without increasing the general taxation.

By Mr. HARMER:

Q. Has this tax for the erection of the school-buildings been levied and paid?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. When was it levied?—A. Last August.

Q. When was it collected?—A. During the last year. The bonds have not been issued for the market-house nor the Piedmont Railroad. I do not think the floating debt is over \$1,200,000, which at 6 per cent. will give \$72,000; and 1 per cent. for the sinking fund will run it up to about \$84,000. And that is all that will be needed to pay the interest and sinking fund on that debt if funded. Here is a statement, which has been very carefully prepared by the comptroller, which I ask may be received. There is one thing that Captain Moore has in his list, about the new water-main, which is wrong. It was laid under the law of Congress, which specifically provides that it shall be paid for out of the water rents, and that it shall not be levied as a general tax.

By Mr. HARMER :

Q. Are the water-works owned by the city ?—A. Yes, sir. The market-house bonds are put down also ; but the revenue from the markets will pay for that. The Piedmont Railroad bonds and the Chicago fire bonds have not been issued.

By Mr. CHIPMAN :

Q. What was your motive in making those inquiries in New York ?—A. Simply to inform myself. I am willing to learn wherever I can, and I obtained a good deal of valuable information there.

The following papers were presented in the course of the examination of this witness :

BOARD OF PUBLIC WORKS,
Washington, March 4, 1872.

SIR : In reply to questions in letter of this date from Mr. J. H. Crane, I submit the following answers, to wit :

Question 1. The number of men employed, in whatever capacity, whether as surveyors, engineers, clerks, superintendents of day's work, or contract work, or messengers, by the board of public works, during the month of November, 1871, only excepting laborers.

Answer. The total number is 223.

Questions 2, 3, 4. The amount appropriated by the legislature of the District at its several sessions for contingencies of the governor, secretary, and board of public works ; also the amount expended under such appropriations, giving items and purposes of the expenditure. The amount appropriated for judicial expenses of the board of public works showing the amounts paid out of said appropriations ; and the purposes and names of parties to whom money has been paid. The total amount paid and due for printing and advertising by the various branches of the District government, including all indebtedness incurred for such purposes by the board of public works and board of health.

Answers to questions 2, 3, and 4. The answers to these questions, so far as related to Board of public works, is contained in accompanying statements of auditor, marked A and A A. The part relating to the governor and legislature is in course of preparation.

Question 5. The number of assistants under the corporation attorney, including the number of clerks, messengers, and employes that are now, or have been, paid for services in the office of said attorney.

Answer. The office of attorney for the District, referred to in this question, is part of the District government proper, and in the governor's communication heretofore furnished (pages 176 and 177, in printed testimony) will be found the chief answer to this question. No regular employes other than those named in this schedule have been, or are now, employed in the attorney's office. Occasional clerical services have been required, which have been compensated for according to service rendered. In addition to this, Mr. D. E. Cahill has been employed to assist in the preparation and trial of cases, paid as before stated.

Question 6. The total receipts and expenditures of the water department, from the 1st day of June, 1871, to the 1st day of March, 1872, with the names and salaries of all the men that have been employed in said department during said period, whether as clerks, draughtsmen, messengers, mechanics, or laborers, also a statement of the amount now to the credit of the water fund.

Answer. See reply of water registrar, marked B, containing copies of pay-rolls, and statement of receipts and expenditures.

Question 7. All the contracts, plans, specifications, and estimates in relation to the canal in full.

Answer. These were furnished on the 8th of February, and are printed in the testimony on pages from 138 to 151, inclusive.

Question 8. The grades on Pennsylvania avenue, on both sides, from Fifteenth street to Third street west. Grades on F street north, between Nineteenth and Seventeenth streets west.

Answer. See accompanying plats certified to by B. Oertley, assistant engineer, marked D. The grade of F street was in accordance with that affirmed by the board. The board has no record of grade of Pennsylvania avenue from Fifteenth to Third streets, and have not taken up this subject.

Question 9. Copy of any petition, memorial, or report, made or submitted to the board of public works, in relation to the improvement of East Capitol street, by a committee, or part of a committee, at a meeting held at A. Grant's office in October last, of which meeting Mr. William Williams, of Indiana, was chairman ; said committee was composed as follows : C. H. Holden, W. L. Lincoln, E. S. Atkinson, George M. Oyster, and E. S. Fredericks.

Answer. See copy of minutes of meeting of committee referred to, &c., also extract from journal board of public works, October 24, 1871, showing action of board thereon, marked E.

Very respectfully, &c.,

ALEX. R. SHEPHERD,
Vice-President.

Mr. SAMUEL L. PHILLIPS,
Washington, D. C.

List of Georgetown and county property taxed in the name of A. R. Shepherd.

Square.	Lot.	Value of lot.	Value of improvements.	Total.
Beall's Addition	157	\$2,000	\$12,000	
Do.....	165	1,200	700	\$15,900
County	212 acres.	\$100 per acre.	21,000	42,200
Do.....	10 acres.	\$15,000	6,000	21,000
Total assessed valuation				79,100

Statement of deeds of trust on property assessed in name of A. R. Shepherd.

Square.	Lot.	Remarks.	Square.	Lot.	Remarks.
40	10	Subdivided into lots.	891	S. 23	
169	6			S. 24	
	S. 51			S. 25	
	S. 52		623	S. 31	
	S. 53			36	Don't own.
	S. 54			46	Don't own.
	S. 55			97	Don't own.
	S. 56			112	
	S. 57			113	
				114	
				115	
				116	
				117	
				118	
				119	
				120	
181	S. 32	Don't own.		121	
	S. 33	Don't own.		122	Don't own.
	S. 34	Don't own.		123	Don't own.
	S. 35	Don't own.		138	
	S. 36	Don't own.		139	Don't own.
	S. 37	Don't own.		140	
208	S. 70			141	
323	Of 1			Of 40	
395	S. 5			S. 145	Don't own.
341	S. 52	Trust, Wm. R. Woodward, March 12, 1869, T. and R. 8, f. 387; \$12,500.		146	Don't own.
				147	Don't own.
				148	Don't own.
442	S. 46			156	Don't own.
368	Of 13	Don't own.	732	S. 16	Don't own.
	S. 50		1108	S. 2	
	S. 51	Don't own.		3	
	S. 52	Don't own.		4	
	S. 53	Don't own.		14	
	S. 54	Don't own.		15	
	S. 55	Don't own.		16	
	S. 56	Don't own.		17	
377	Of 24	Don't own.		18	
369	S. 52	Don't own.		19	
380	Of 1	We find on this square trust to		20	
	S. A	T. M. Hanson, May 18, 1869,	1084	S. 6	
	S. B	\$20,000; also, to Wm. B. Todd,		7	
		jr., January 3, 1871, \$20,000.		8	
405	Of 4	There appears three deeds of		11	
	Of 5	trust on these two lots,	Sq. E. of	S. 1	
		amounting to \$26,976.	1141.		
452	Of 5			2	
	Of 6		575	S. A	
455	N. $\frac{1}{2}$ 6			B	Trust, Fitch & Fox, November
891	S. 18				28, 1871, \$2,104 66.
	S. 19			Of 4	
	S. 20		164	A	On this square, 164, trust to I. L.
	S. 21				Barbour, October 31, 1871, de-
	S. 22				scribed as part lot 2, \$9,000.

Lot 157, part of lot 158, all of lot 165, Beall's addition to Georgetown. Trust, November 12, 1870; liber 631, fol. 238, for \$33,000.

Property known as the "Gilman property." Trust, February 1, 1871; liber 636, fol. 275, \$20,000.

Farm of 212 acres in the county. Trust, April 20, 1869; liber T & R 11, fol. 74, \$33,000. Of the above-described property, assessed in name of Alexander R. Shepherd, we find there

has been sold \$70,502, assessed value; leaving a balance of \$197,076, assessed value, upon a portion of which there are deeds of trust amounting to \$136,476—leaving a balance unencumbered of \$10,600, assessed value.

DANIELS & JONES.

MARCH 4, 1872.

Alexander R. Shepherd has paid since June 1, 1871, the following deeds of trust:
 Alexander R. Shepherd to Daniel L. Eaton. Trust, September 26, 1870; liber 626, fol. 95, \$15,000. Released, November 29, 1871; liber 668, fol. 248.
 Alexander R. Shepherd to William L. Dunlop. Trust, September 17, 1868; liber 565, fol. 471, \$9,000. Released, September 13, 1871; liber 660, fol. 182.
 Alexander R. Shepherd to William R. Woodward. Trust, July 3, 1869; liber T & R 13, fol. 382, \$12,500. Released, June 21, 1871; liber 652, fol. 12.
 Total amount of deeds of trust lifted since June 1, 1871, \$36,500.

CITY OF NEW YORK, DEPARTMENT OF PUBLIC PARKS,
 265 Broadway, March 8, 1872

SIR: I have the pleasure to inclose copy of a report of our engineer, Mr. M. A. Kellogg, on the concrete pavements used by this department within the past two or three years, which, I believe, answers the various questions submitted in your letter of the 19th ultimo.

Respectfully, yours,

HENRY G. STEBBINS,
 President Department of Public Parks.

J. H. CRANE, Esq.,
 Secretary Citizens' Association, Washington, D. C.

NEW YORK, March 6, 1872.

SIR: Agreeably to your request of February 26, I hereby respectfully submit the following report upon the concrete or asphalt pavements which have been tried and in use under the direction of this department.

1st. The first concrete in use upon the Central Park was the *Fisk pine tar*, used for walks, and a small sample for drives. This, in both cases, proved a failure, as well as the street pavements I have observed in the city. The *Fisk asphalt*, or improved, was the next, and was laid only for walks. This disintegrated and also proved a failure.

2d. *The Scharff asphalt pavement*.—In the summer of 1869 a small piece of carriageway, five inches in depth, was laid in the Central Park, upon the usual superstructure of stone and gravel, and also a piece of the walk near the Eighth avenue and Fifty-ninth street entrance. These have now stood the test of three winters, and are now, to all appearances, as perfect as on the day they were laid, showing no disintegration, cracks, or unusual wear. It is proper, however, to state that the roadway has not been subjected to any heavy traffic.

In 1870 the side-walks at Canal street park, at the two Sixth avenue parks, and part of Union square, together with the esplanade, at the terrace at the Central Park, were laid three inches in thickness, and are now all in good condition.

An esplanade in front of the city hall, sixty feet in width and five inches in thickness, was laid late in the season, composed of broken stone at the bottom and gravel on the surface, to be used for a walk and reviews of processions.

This was put to a very severe test, last year, by the passage of the German procession, with extra heavy trucks, &c., upon an extremely warm day; the surface was made somewhat irregular, but no disintegration occurred.

In 1871 the walks in Tompkins square, around the museum in the Central Park, some at the Battery, and the completion around Union square were laid three inches in thickness.

Also about two hundred and fifty lineal feet of carriage, forty-five feet wide and eight inches in thickness, broken stone at bottom and gravel on top, was laid from Castle Garden, in the Battery, to Battery Place, to be used for the transportation of baggage, &c. This is the only roadway constructed by this department for heavy traffic. After being opened, during the summer, it appeared too soft, but, as it was longer exposed to the air became hardened, and is now in fine condition, showing no unusual wear, no signs of disintegration, and no cracks. The prices paid are as follows:

For walks, 3 inches in thickness, \$1 35 to \$1 50 per square yard.

For roads, 5 inches in thickness, \$2 50 per square yard.

For roads, 6 inches in thickness, \$3 per square yard.

For roads, 8 inches in thickness, \$3 75 per square yard.

3d. *The Day vulcanized concrete pavement*.—In 1871 the walks in Washington square

and Mount Morris square were paved with this pavement; the former three inches in thickness and the latter two and four inches, the four-inch pavement to be used for the passage of carts necessary for the maintenance of the park.

The composition for the two works appears to have been differently mixed, and that at Washington square is slowly disintegrating, while at Mount Morris square it is apparently as perfect as when laid. No roadway has been constructed by the department of this concrete. The prices were as follows:

For walk, 3 inches in thickness, \$1 98 per square yard.

For walk, 2 inches in thickness, \$1 80 per square yard.

For walk, 4 inches in thickness, \$3 60 per square yard.

4th. *The Grahamite asphalt pavement.*—In 1871, about two hundred and twenty-five lineal feet of roadway, fifty-six feet in width and four inches in thickness, of this pavement was laid upon the reserved right of way between the Battery and the United States Government property.

The superstructure was prepared by the department, and consisted of about six inches of rubble-stone, which was thoroughly rolled and surfaced with gravelly loam. The travel upon this roadway, which has not been very great, has not affected the surface, nor has any appearance of disintegration shown itself; but, at present, the surface is badly cracked. This asphalt was laid on a part of the Mall in the Central Park and on the walks in and around Reservoir Park, two inches in thickness, in 1871, and at first gave a fine and pleasant surface to walk upon, but at present it is badly fractured and cracked by seams. The prices were—

For 4-inch roadway, \$3 90 per square yard.

For 2-inch walks, \$2 per square yard.

If the contraction, which is evidently caused by the temperature, can be obviated, I am of the opinion that it would make a most durable and pleasant carriage-way or walk.

5th. *The Schillinger artificial stone pavement.*—This has been used upon walks only, and I do not consider it applicable for roadways. It is composed of Portland cement, sand, and gravel. The walks surrounding Duane and Beach streets parks, and a portion of the walks in the Battery and City Hall parks, were laid in 1870. All of them are at present in good order, showing no unusual wear, cracks, or disintegration.

During 1871 the walks in the Battery and City Hall were nearly completed, and also on the northerly side of Mount Morris square, all of which were laid four inches in thickness.

The walks in Madison park were laid 3 inches in thickness.

In all of these parks, such of the walks as were laid so as to become thoroughly dried out and set before the action of the frost now present a good surface. The prices were:

For 4-inch walks, \$1 98 to \$2 70 per square yard.

For 3-inch walks, \$2 34 per square yard.

This pavement is laid in such figures, colors, and blocks as are desired, and with tar-paper joints.

From the work done in 1870, I am of the opinion that it will be a durable walk.

Above I have briefly stated the several kinds of concrete, asphalt, and artificial stone pavements used upon walks and carriage ways under the direction of this department since 1869, with their present condition and prices. The use made of them has been chiefly for walks.

For carriage-ways, the Scharff and Grahamite concretes or asphalts are the only kinds that have been laid, and these only as tests. So far, the Scharff has proved to be the one the least affected by the action of the elements; has shown no disintegration or cracks, and the least signs of wear from the travel passing over it.

Previous to giving a decided opinion as to its utility for a carriage-way for very heavy travel, I should make a test of it upon one of the down-town streets, say Chambers or Duane streets, with crushed stone intermixed with their concrete, and surfaced with at least 3 inches of their finer mixture.

The "Grahamite" laid at the Battery last season has also shown durable qualities as to wear, and if the difficulty of cracking can be remedied, I think it would stand heavy traffic.

The Day vulcanized has not been tested for carriage-ways by this department, and I am therefore unable to give my opinion.

In connection herewith I would state, that I observed other kinds of concrete used upon some of the streets in this city, one in Eleventh street, between Fifth and Sixth avenues, composed of some kind of concrete and coarse gravel, laid in 1870. The surface was very hard and rigid when first laid, but now is bad and full of holes; another in Warren street, between Church street and College Place, the "dura," composed of broken stone mixed with the concrete, and then very heavily rolled with a steam-roller. This was laid in 1871, and has been subjected to very heavy travel. The surface is not in a very bad condition, although at present I discover holes and depressions are forming.

Respectfully,

M. A. KELLOGG,
Engineer-in-Chief.

Hon. HENRY G. STEBBINS,
President and Treasurer Department Public Parks.

MARCH 16, 1872.

GENTLEMEN: The statement of expenditures, amounting to \$81,410 70, accompanying my letter of the 5th instant, was made out before the vouchers from which it was made up had been entered on my books, and much of the labor connected with it was done by gentlemen who are not familiar with either the vouchers or the entry-books.

That statement is incorrect, and you will find herewith a correct statement, in which, on parallel lines, is shown each item as reported March 5, opposite such item of the statement of to-day, thus showing the discrepancies.

Respectfully,

BENJAMIN N. MEEDS,
Auditor Board of Public Works.

The BOARD OF PUBLIC WORKS,
For the District of Columbia.

Corrected statement of expenditures by board of public works up to and including March 4, 1872, under the act of the legislative assembly, approved August 23, 1871, appropriating \$35,000 and \$67,000, respectively, for the contingent expenses of the board of public works, including advertising, printing, stationery, pay of employés, clerks, watchmen, &c.; which appropriations are found on pages 112 and 139 of the acts of the legislative assembly of the District of Columbia, first session of 1871.

	Statement, March 5, 1872.	Corrected statement.
Advertising	\$5,167 86	\$5,167 81
Board of public works:		
Expenses and furniture	3,574 59	3,493 34
Fitting up and furnishing offices in Morrison's building for use of board	10,891 52	10,891 52
Pay of employés, clerks, messengers, and watchmen	10,831 37	7,807 52
Books, blanks, and stationery	1,817 37	1,805 22
Superintendent of canal:		
Expenses and furniture	25 75	25 75
Books, blanks, and stationery	15 15	15 15
Pay of employés, clerks, messengers, and watchmen	402 50	402 50
Superintendent of public property:		
Books, blanks, and stationery	499 93	499 93
Fencing property-yard and furniture	828 81	873 98
Pay of employés, clerks, messengers, and watchmen	3,710 86	1,362 20
Book-keeper: Books, blanks, and stationery	87 88	87 88
Superintendent of contracts:		
Expenses and furniture	52 00	52 00
Books, blanks, and stationery	560 42	560 42
Pay of employés, clerks, messengers, and watchmen	2,129 43	2,129 43
Engineer's office:		
Books, blanks, and stationery	1,664 11	1,664 11
Expenses, instruments, and furniture	3,442 88	3,463 63
Pay of employés, clerks, draughtsmen, messengers, &c ..	22,647 61	22,882 60
Superintendent of sewers:		
Expenses and furniture	30 20	30 20
Books, blanks, and stationery	696 05	448 55
Pay of employés, clerks, messengers, &c	1,790 14	1,790 13
Auditor's office:		
Expenses and furniture	207 07	207 07
Books, blanks, and stationery	850 87	844 12
Pay of employés, clerks, and messenger	1,484 99	2,338 32
Assessor and collector:		
Expenses and furniture	281 00	281 00
Books, blanks, and stationery	703 05	703 05
Pay of employés, clerks, and messenger	700 00	1,058 33
Paymaster's office:		
Expenses and furniture	51 80	51 80
Books, blanks, and stationery	196 95	196 95
Superintendent of streets:		
Expenses, instruments, and furniture	695 90	695 90
Books, blanks, and stationery	903 17	903 17
Pay of employés, clerks, messengers, and watchmen	3,087 70	3,364 37

	Statement. March 5, 1872.	Corrected statement.
Superintendent of lamps:		
Expenses and furniture	\$11 50	\$11 50
Books, blanks, and stationery	130 10	130 10
Pay of employés, clerks, messengers, and watchmen	336 67	508 88
Superintendent of buildings: Books, blanks, and stationery ..	133 50	133 50
Vice-president's office: Books, blanks, and stationery	195 00	195 00
Legal expenses: Injuntion, board of public works, mayor of Washington.....	575 00	757 50
	<u>81,410 70</u>	<u>77,834 44</u>

BENJAMIN N. MEEDS,
Auditor Board of Public Works.

MARCH 16, 1872.

WASHINGTON, D. C., March 20, 1872.

WILLIAM DICKSON duly sworn and examined.

Mr. Dickson came before the committee at his own volition, and with permission stated that he simply desired to say that during this investigation, this man, (Mr. Crane,) actuated by personal enmity, and spite, and malignant feeling—

Mr. ELDRIDGE. You need not comment upon his motives.

WITNESS proceeded: The question has been put here two or three times, in regard to money furnished through the hands of Mr. Kilbourne, for my district; and I wish to say that the entire expense of my election was borne by myself. If any money was spent it was by my personal and political friends from our funds. We had no funds in the twelfth district. I claim that I bore the whole expense. As to my stand in regard to the loan, in the house of delegates, I maintained that it was not a party question. I opposed the four-million loan at first; but when the bill was brought in to submit the question to the people, I took the ground that that was the proper way to solve it, and I therefore voted for it. The four-million loan bill was supported by the democratic party. I say it as a member of the executive committee of the District. At a caucus held previous to the election, the question came and was debated, and Mr. Merrick, Colonel Berret, and other gentlemen, besides myself, came to the conclusion that it should not be a party question; that the people should suit themselves as to the vote for or against it.

By Mr. CRANE:

Q. Did not you denounce the bill?—A. We did at first, taking the ground that it should be submitted to the people.

By Mr. CHIPMAN:

Q. Did you have an opportunity to observe as to the fairness of the first and second registration?—A. I did.

Q. Didn't you take an active part in the election?—A. I took an active part against you.

Q. Do you know whether your party considered the registration as fairly conducted or not?—A. I think the board of registration were fair. I was selected as a challenger and, after the close of the campaign, a vote of thanks was given to the board for the courteous manner in which the board had treated us. The manner in which the board acted was very fair.

By Mr. CRANE:

Q. What caused you to change your opinion in regard to the four-million loan?—A. I have always been in favor of improvements. It was because it was submitted to the people at a general election, which I thought to be the only proper way. I took the ground that the legislature had no right to appropriate so much money without first submitting it to the people at a general election.

By Mr. ELDRIDGE:

Q. Were you at the polls during the day when they were voting on the question?—A. Yes, sir; all day.

Q. Were there votes there against the loan?—A. In the morning there were not. I believe there were votes there in the afternoon.

Q. Were very many votes cast in your district against the loan?—A. Very few.

Q. You run as the regular democratic candidate?—A. Yes, sir.

Q. Did the board of public works assist you in your election?—A. No, sir.

Q. Who was the opposing candidate?—A. Michael Duffy.

By Mr. CRANE:

Q. Was it not the understanding that every man who voted for the second loan bill should have his election secured without regard to politics?—A. No, sir; not to my knowledge.

By Mr. CHANDLER:

Q. Was there a democratic candidate against you?—A. There was Captain Moore, who is known as an old-line whig, a gentlemen whom we all respect. He has been identified with the democratic party in certain movements. He ran as the independent candidate.

Q. He ran against you and Mr. Duffy?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. You say your change in favor of the expenditure was because the matter was submitted to the people and they voted for it?—A. Yes, sir.

Q. Did Mr. Lloyd change his opinion?—A. I do not think he did. He was opposed to placing so much money in the hands of so few men. He objected to certain phraseologies in the bill, and I believe he is opposed to the measure yet.

By Mr. CRANE:

Q. Have you any interest, directly or indirectly, with Mr. Finley in any contract?—A. As insulting as the question is I will say I have no interest in any contract with any human being.

WASHINGTON, D. C., March 20, 1872.

HENRY PIPER duly sworn and examined.

By Mr. CRANE:

Question. Were you the republican candidate for the legislature in the ninth district here at the last election?—Answer. I was.

Q. Did you receive the support of the board of public works?—A. I understood that they sympathized with my position from the fact that I was the regular nominee of the republicans of that district.

Q. Who was nominated against you?—A. John Bailey ran against me in the caucus; but I received the regular nomination. But he ran against me as an independent candidate.

Q. What was his occupation?—A. He is a messenger in Governor Cooke's bank.

Q. Who was nominated against you?—A. John W. Binckley was the democratic candidate; and Mr. Hallett Kilbourn was a candidate also against me.

Q. Did you not understand that Mr. Kilbourn was the candidate of the board of public works?—A. In conversation with some members of that board, they showed me that they had no sympathy with the movement of the independent candidate, and that they recognized me as the regular nominee.

Q. Do you know that Hallett Kilbourn had a fund for distribution to carry him in?—A. I understood so; but I do not know.

Q. Who did you understand drew upon him?—A. I did not know anybody directly. Some parties informed me there had been a Kilbourn Club, and that money would be given out on Monday. Some came to me and said, "Now you are sick; keep quiet and easy; we will get all the money we can and then vote for you in the election."

Q. Did you understand that the money was furnished by Colonel Magruder?—A. I did not. I was satisfied, being elected, and having the pleasure of defeating Mr. Kilbourn twice.

Q. Did any of your friends apply to Kilbourn for money?—A. Really, I do not know.

By Mr. CHANDLER:

Q. Who was Mr. Binckley?—A. He was the late district attorney.

Q. Did he make an active canvass against you?—A. I am not prepared to say.

Q. Mr. Kilbourn was the treasurer of the fund being used to carry the election of the independent party?—A. I understood so.

Q. You had no money?—A. No, sir.

By Mr. ELDRIDGE:

Q. Where was the fund for your election?—A. We had a finance committee, who attended to paying for advertisements, &c., and they raised what they could. Our side was rather a poor side.

By Mr. CHIPMAN:

Q. Were there any public meetings for any candidate except yourself?—A. I do not recollect any.

By Mr. CHANDLER:

Q. Did Mr. Chipman speak at the meeting in Union Hall for you?—A. Yes, sir.

Q. Did Mr. Shepherd?—A. No, sir.

By Mr. ELDRIDGE :

Q. Which did Mr. Chipman advocate?—A. Your humble servant. He said he had no sympathy with independent candidate arrangements.

Q. Are you employed at the Treasury Department?—A. Yes, sir; in the Bureau of Engraving and Printing. I shall, of course, resign when it is time for the legislature to meet.

By Mr. CHIPMAN :

Q. Are the majority of voters in your district white?—A. Yes, sir. I had served in the second ward as a representative in the city council, having been twice elected to the council by the people of that ward.

Q. Do you remember that Dr. Cox and Dr. Verdi spoke for you at that meeting?—A. I do not remember. I know I had their sympathy.

Q. Do you know whether Mr. Magruder spoke?—A. I am not positive; I think he did a few minutes. I am positive Mr. Shepherd did not. He was in the meeting a short time and had to go away to another meeting.

By Mr. ELDRIDGE :

Q. Did you support the four-million loan?—A. Yes, sir.

By Mr. CRANE :

Q. Did you understand that Mr. Kilbourn was nominated because you were not sound on the loan question?—A. That came to me in the way of rumor.

Q. Was there any trouble in getting tickets against the loan?—A. I did not know of any. Parties asked me quite early in the morning for them, and I told them I had not seen any, but there were plenty at the building on Four-and-a-half street that they could get if they wanted them. I think the vote against the loan in the District was very small.

WASHINGTON, D. C., March 20, 1872.

ZALMON RICHARDS duly sworn and examined.

By Mr. GREEN :

Question. Please state your name and official position.—Answer. Zalmon Richards; auditor of the District.

Q. Have you examined and audited any bills against the District government which have been paid?—A. I have, since the 1st of June, 1871.

Q. Have you any power or control over the expenditures of the board of public works?—A. None at all.

Q. Or over the contingent funds appropriated by the legislature?—A. Not at all, further than approving them. The only control is, as to the accuracy of the accounts, and their legality; nothing further.

Q. Have you power to reject them if you do not think them legal?—A. I take it I have.

Q. Have you examined the answer of Governor Cooke on the report of expenditures called for by the memorialists?—A. Not in detail. I have looked it over, but have made no particular examination or comparison.

Q. Have you examined it sufficiently to state whether the statements show the correct amount?—A. I could not contradict anything stated there now.

Q. Do you know of any money paid out from the funds of the District in violation of law?—A. No, sir.

Q. Would you recommend any change in keeping the accounts or disbursements of the public money of the District?—A. I cannot say anything with regard to the expenditures of the board of public works, excepting so far as approving the requisitions of the board are concerned. I don't know in regard to the detailed expenditures of the board, and in regard to their accounts, I do not know of any change that I could recommend. I am not familiar with the mode of keeping the accounts of the board of public works.

Q. Have you ever had any trouble with any officers of the board of public works in regard to requisitions made on you?—A. No, sir.

Q. Did you ever have occasion to cut down a warrant by the sum of \$50,000, or any other sum?—A. On one occasion there was a requisition upon the \$4,000,000 loan fund, and I made a point that I thought there should be some other name besides the treasurer of the board of public works as a voucher, and brought the case to the attention of the governor and the District attorney; and the question was settled by making out a form, requiring the governor's signature, and the officers whom they might designate, and the secretary of the board, upon all requisitions that should be made upon the \$4,000,000 loan after that became available. That was all done without any hesitation.

By Mr. ELDRIDGE :

Q. What are your official duties?—A. I understand that all bills, of every name and

nature, outside of the specific bills of the board of public works, are presented to me first for examination. After examining them, if I see fit, I approve and put my signature to them. They are then sent to the comptroller, who draws a warrant for the payment. That warrant is signed by him. It is then countersigned, and made payable at the First National Bank. My duty is to see that all requisitions are made in conformity with the law, and with the late decision that I alluded to just now. I approve all such requisitions without going into any inquiry as to the manner in which that money is to be expended.

Q. From whom did you receive your appointment?—A. By Governor Cooke.

Q. Is this one created by the organic act?—A. No, sir; it is created by an act of the legislature.

Q. What accounts in general of the city government are brought into your office?—A. We keep a record of all accounts, of every name and nature, except accounts of the board of public works, with accounts of the requisitions of all departments, of all the offices of every department, of the fire department, schools—there being four different school organizations—the police department, and all the little details of the officials about the buildings.

Q. Did you furnish any portion of the statement which was given by the governor?—A. No, sir; I furnished no statement.

Q. Have you furnished any transcript from your office?—A. No, sir; this is the first call I have been honored with.

Q. Are all these accounts correctly and faithfully kept in your office?—A. Yes, sir.

Q. Who organized your department, and determined on the mode of keeping the accounts?—A. I did, after consultation with those about me; most of the plans were decided upon by myself.

Q. Does it meet your approbation?—A. Yes, sir; I don't know of any change that I could suggest now.

By Mr. COTTON:

Q. The money that is expended is drawn in bulk, is it not—in certain round sums?—A. Yes, sir.

Q. Would there be any difficulty in your auditing, in detail, the accounts of the board of public works the same as other accounts—that is, the detailed expenditures?—A. I do not know that there would be, if I had the vouchers, and if I had sufficient help. At the present time they audit their own accounts.

Q. And draw the money in large sums?—A. Yes, sir.

Q. And all you would need, in order to audit these other expenses, would be increased help, and that the accounts should be presented to you?—A. Yes, sir; of course it would add to the expense.

Q. But at present you do not audit their accounts?—A. No, sir.

By Mr. GREEN:

Q. Are you a bonded officer?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. Do the funds come into your hands?—A. No, sir.

Q. What is the bond for?—A. For the faithful performance of my duties as auditor of the District.

By Mr. GREEN:

Q. How many clerks have you?—A. I have a deputy and two clerks.

By Mr. ELDRIDGE:

Q. Are you all kept employed?—A. We are; sometimes we have more than we can do, but generally we mean to close our work at the end of the day. On some occasions we are crowded, and at others we are not.

Q. Do you consider that so many officers are necessary?—A. I do not see how they can be dispensed with, unless we could have the privilege of appointing temporary help. Possibly we might spare one, part of the time; but we should be obliged, without doubt, when these outstanding claims come in, to have additional help to that which we now have.

Q. What was your business previous to your present position?—A. Superintendent of public schools.

Q. What is your salary?—A. Three thousand dollars.

Q. What is the salary of your deputy?—A. Two thousand dollars.

Q. Of your clerks?—A. Fifteen hundred dollars and twelve hundred dollars.

WASHINGTON, D. C., March 20, 1872.

H. G. JACOBS duly sworn and examined.

By Mr. GREEN:

Question. State your name and residence.—Answer. H. G. Jacobs; Washington.

Q. Are you interested in any contracts made with the board of public works?—A. I am.

Q. Are those contracts in your own name?—A. Yes, sir; and that of my partner, George Follansbee.

Q. Are you connected by marriage or relationship with any member of the house of delegates in the District legislature?—A. I married the sister of the wife of a member.

Q. Did that member make any suggestion or participate in any arrangement by which you would become a partner with Follansbee?—A. He did make a suggestion, but I can assure you that he has no interest in the contract. Mr. Follansbee, at the time of the awarding of the contract, desired me, if I would furnish part of the funds, to go in with him, which I did.

Q. Had you been a contractor before that time?—A. I had not.

Q. Who is that member of the house of delegates you speak of?—A. J. W. McKnight.

Q. Has he, or any member for him, furnished any money to carry on the Follansbee contract?—A. No, sir; he has not.

Q. Has any one for him?—A. No, sir.

Q. Have you, or any member of the firm of Follansbee & Co., had, or have you now, any understanding or agreement to share any portion of the contract?—A. I have not.

Q. Can you state what all of the contract will amount to when finished?—A. I cannot.

WASHINGTON, D. C., March 20, 1872.

REUBEN DAW duly sworn and examined.

By Mr. GREEN:

Question. State your name and residence.—Answer. Reuben Daw; Georgetown.

Q. State to the committee what you wish to say to them in regard to the work being done in Georgetown by the board of public works—how you and your neighbors are affected by it.—A. I have not been affected yet. They have destroyed one of our principal sewers in Georgetown; they are making too many sewers. At the Union Hotel they have dug down till they came to a bed of rocks, and carried the sewer down to 17 feet, and it is a perfect loss; and, to cure their mistake, they have set to work building a sewer up Beall street, and I suppose it will cost \$15,000 or \$16,000. They have done some very bad engineering; I think some of our men with three leveling-sticks would have done better engineering than they have. These are the facts; I don't go behind them.

Q. Who is the contractor there?—A. Mr. Shinn; no, he ain't any contractor; he got the work without any contract.

Q. How about the grading?—A. Good God! don't talk about that. They buried us all up there.

By Mr. HARMER:

Q. Houses and all?—A. Yes, sir; houses and all.

By Mr. CHIPMAN:

Q. How many persons have been killed or buried up?—A. I know one who was killed there at the mouth of the sewer and the tan-yard, by the stench there. I got my mouth pretty full of it. There is a tan-yard there, and the whole of it is discharged into that sewer; and if you will go there you will find ever so many dead cats and dogs, and there comes out such a stench that people have to pass over the other side of the street.

Q. Do you know the purpose of that heavy grading on Bridge street?—A. I think I heard the engineer, Mr. Wilson, say that he had surveyed it for the railroad, which was to come up N street. It is called the junction road, I believe. Mr. Wilson told me he could not get head-room enough for the tunneling unless they raised that street below. He suggested the plan, and they adopted it right away.

Q. What are your politics?—A. Always a Union man and always a republican. When Colonel Magruder came to me and asked me to sign this petition, he said, "We want to get rid of this Bowen ring;" I signed it, but I have been sorry for it ever since; but we have got a stronger ring than that.

By Mr. DARRALL:

Q. Why so?—A. We have got a stone ring, and a pavement ring, and a block-road ring, and a concrete ring; so you see we got rid of the Bowen ring, and have now got a combination of rings.

By Mr. ELDRIDGE:

Q. Do you own any property near that deep ditch which you spoke of?—A. No, sir; they cannot hurt me at all. All these improvements would improve my property. At any rate, I think it would be no detriment.

By Mr. DARRALL:

Q. Do you know any of the board of public works who are connected with these rings?—A. No, sir; I cannot tell. You can't see the wind, but you can see the straws flying.

WASHINGTON, D. C., *March 20, 1872.*

WILLIAM R. HUNT duly sworn and examined.

By Mr. CRANE:

Question. State your name and residence, and your occupation.—Answer. William R. Hunt; Washington; am a grocer.

Q. Were you a member of the house of delegates at the time the four-million loan bill was passed?—A. I was.

Q. Were you present at any lunches at the club-house on E street when they had wine dinners there?—A. I know nothing about any wine dinners. We had simply lunch.

Q. Were you present on one occasion when William A. Cook and the governor used their arguments to convince the members that the bill ought to pass?—A. I never heard any such arguments.

Q. Did you understand that you were invited there as the guest of the governor on this occasion?—A. Members of the legislature were there, and the governor consulted with them. I never was invited by the governor or the board of public works to any caucus or lunch to my knowledge.

Q. Did you hear the probabilities of the passage of bills discussed?—A. Never but once. That was when the legislature invited the board of public works there to show them their plans.

Q. Did you or did your friends receive any money from Mr. Kilbourn to aid them?—A. I never received a cent, nor any of my friends. I had no opposition in my district, and there was no need of money.

By Mr. ELDRIDGE:

Q. What is your district?—A. The eighteenth district.

Q. Did you support the four-million loan bill?—A. I did.

Q. Were there votes at the polls for and against the loan?—A. I don't know; I didn't see any against it.

Q. Were there any votes cast there against the four-million loan?—A. A very few.

Q. Did you attend the polls during the day?—A. I was there two or three times during the day.

By Mr. CHIPMAN:

Q. Was the sentiment of the district generally in favor of the loan?—A. Yes, sir; so far as my knowledge went.

WASHINGTON, D. C., *March 20, 1872.*

JOSEPH T. H. HALL duly sworn and examined.

By Mr. CRANE:

Question. Please state your name and residence?—Answer. Joseph T. H. Hall; Washington County.

Q. Were you a member of the last legislature?—A. I was.

Q. Were you present at the Union Club-House at any time during the sessions of the legislature, at which time lunches were served up to members; and if so, who were present on those occasions?—A. I was present once at the Union Club-House at a lunch to members. I do not know who served it. Perhaps twelve or thirteen members were present.

Q. Did you receive any money, or any of your friends for you, from Mr. Kilbourn, in aid of your election?—A. Yes, sir.

Q. How much?—A. About \$100.

Q. Did you receive any on more than one occasion?—A. Yes, sir; on two separate occasions; \$100 was the total amount.

Q. Who ran against you in the second district?—A. Mr. Wall.

Q. A colored man?—A. Yes, sir.

Q. Do you know whether he received any money?—A. I did not ask him.

Q. Did the governor, or any member of the board of public works, or William A. Cook, the corporation attorney, ever represent to you that if you would support their measures contracts would be awarded to your friends?—A. I am sorry you have asked such a question; but I will say no. I look upon that as an insult. I hope the chairman will—

Q. Have you ever been consulted as to who should have the contracts in your district?—A. I have not, in any way, by any one.

Q. Have any of your friends been awarded contracts by the board of public works?—A. I do not know that they have; not by my solicitation, at any rate. I have not asked from the board of public works, nor have they given any of my friends or relatives any contracts whatsoever.

By Mr. CHANDLER:

Q. Were you elected at this last election?—A. No, sir.

Q. Wall ran against you and beat you?—A. Yes, sir.

Q. And if there was any understanding it was that the board of public works were against Wall and for you?—A. That is the impression I have.

Q. And if there was any intervention it was that way?—A. I do not know that there was any, but the impression was that the board of public works were against Wall and in favor of me.

Q. Did any members of the board of public works make speeches for you?—A. Yes, sir; Mr. Magruder made a speech.

Q. So that if you had this support as against Wall, it did you no good?—A. No, sir.

By Mr. CHIPMAN:

Q. Was Wall in favor of the loan?—A. He says so.

By Mr. ELDRIDGE:

Q. What are your politics?—A. Republican.

Q. And Wall, also?—A. Yes, sir.

Q. Was your district in favor of the loan?—A. Yes, sir.

Q. Did you attend the polls?—A. Yes, sir.

Q. Were there tickets there against the loan?—A. Yes, sir.

Q. Do you recollect the number of votes against the loan there?—A. I do not. I know there were tickets against the loan, for I obtained and distributed them.

Q. Where did you obtain them?—A. At William A. Cook's office.

Q. And you say there were tickets there all day against the loan?—A. Yes, sir.

By Mr. CRANE:

Q. Did you furnish the stone for the Seventh-street road?—A. A part of it.

Q. By contract?—A. No; no contract whatever.

By Mr. ELDRIDGE:

Q. Before or after the election?—A. Both before and since. My quarries are near the road.

Q. What are they called?—A. Piney Branch quarries.

By Mr. CRANE:

Q. Did you build the arch at E street and North Capitol street?—A. I did.

Q. Do you recollect the whole amount paid for that?—A. The original contract was \$14,910. But the arch was extended and made stronger, and the total was \$21,000, or about \$200 per running foot. Wings were added 15 feet on each side and 30 feet on each end. There was an extra appropriation made that made up the pay for the additional work.

Q. Is that the same size as the one at Pennsylvania avenue?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. When did you build that bridge?—A. In 1869 and 1870, under Mr. Bowen; and it was concluded under Mr. Emery's administration. I received the contracts under Bowen's administration. The length was 110 feet.

WASHINGTON, D. C., *March 20, 1872.*

HALLETT KILBOURN duly sworn and examined.

Question. State your name, residence, and occupation?—Answer. Hallett Kilbourn; Washington; and am a real-estate broker.

Q. Did you have in your hands, previous to the last election, any moneys contributed by contractors and officers of the District government, and did you disburse the same previous to the last election to those only who were in favor of the four-million loan?—A. I received as treasurer of the republican committee some \$1,600 or \$1,800 contributed by different parties; whether there were any contractors or not I do not know.

Q. Do you know by whom that money was contributed?—A. I do not remember now. I have a memorandum.

Q. Do you recollect any members of the board of public works contributing to that fund?—A. I remember distinctly not one member of the board of public works contributed one cent.

Q. Did you pay out any money in aid of Mr. Collins in the third district?—A. I do not know; I can't answer.

Q. Did you pay any money in aid of William Dickson in the twelfth district?—A. I think not.

Q. Are you positive?—A. I am pretty positive.

Q. Did you pay any in aid of Mr. McKnight's election?—A. I am under the impression that I gave Mr. McKnight, or somebody for him, \$50. I do not remember.

Q. Did you pay any in aid of Mr. Hall, in the second district?—A. I don't remember.

Q. Was not most of the money paid out on orders of Mr. Magruder and Mr. Shepherd?—

A. When a party came to me that I did not know, I wanted some one to identify him, and I think Mr. Magruder identified some.

Q. Why did you run in opposition to Mr. Piper, who was the regular nominee?—A. I would like to answer that. I don't think I did run much.

Q. Were you an officer of any of the regular committees of either party?—A. No, sir; and never expect to be.

Q. Can you name a single person who contributed to that fund who was not an officer of the government, a contractor, or an employé?—A. I don't think I can tell the name of anybody who contributed. I think some were contractors.

Q. Was not Mr. Piper declared the regular nominee in the ninth district?—A. I presume so; it was so stated in the papers.

Q. How was it that you held a fund in aid of the republican party, and allowed yourself to run in opposition to Mr. Piper?—A. They made me treasurer of the fund; if Mr. Piper had applied for money from the fund I would have given it to him; not one cent of it was used toward my election.

Q. Who ran against you at the last election?—A. There are several reasons why I was not elected—one, perhaps, will suffice: I have reason to believe that the governor, secretary of the District, board of public works, board of health, Delegate in Congress, a majority of the colored people, and many of the whites were against me.

Q. Did you spend any money of your own for your election?—A. Not a cent.

By Mr. HARMER:

Q. How long have you been treasurer of the republican club?—A. I was appointed about two weeks before the election.

Q. This fund was distributed as funds in such cases are generally distributed, I suppose?—A. Yes, sir.

By Mr. CHANDLER:

Q. You were satisfied with the result of the election in that district?—A. Yes, sir; perfectly.

By Mr. ELDRIDGE:

Q. Was this fund a fund for the whole District?—A. Yes, sir; it was not very large.

Q. Did you contribute anything toward it yourself?—A. I made my donation in giving my time.

Q. Is it all spent?—A. I believe there is about \$60 left.

Q. Was any of this fund to pay for printing tickets?—A. I don't know whether it was or not.

By Mr. CRANE:

Q. Have you any objections to mention or to furnish the list of names to whom money was paid?—A. I have not, but I will swear positively that none of that went to the support of Mr. Dickson.

Q. Do you recollect paying any money in support of Mr. Shepherd in the thirteenth district?—A. I think not a dollar was distributed to aid him, and not a dollar nor a cent for myself.

WASHINGTON, D. C., *March 20, 1872.*

JOHN A. GRAY duly sworn and examined.

By Mr. CRANE:

Question. Will you state your name, residence, and occupation?—Answer. John A. Gray, Washington; and a caterer.

Q. Are you a member of the District council?—A. I am.

Q. Were you present one afternoon last summer when the council adjourned over till Monday, and were called together again by the instance of the governor, to pass an appropriation of \$250,000?—A. Yes, sir.

Q. Why was that measure resorted to?—A. If my memory serves me, it was a bill to anticipate a loan of \$250,000; it had had a second reading. Mr. Douglass offered a motion that when the council adjourn it be till Monday, and I made the motion afterward to adjourn. Pretty soon the governor came up and desired to have a bill passed, and I did not see any objections. The president called the council to order, and they proceeded to pass the bill.

By Mr. CHIPMAN:

Q. Does the journal show that there had been any adjournment before the bill passed?—A. It does not.

By Mr. CRANE:

Q. Was not the journal altered?—A. I cannot say.

Q. Was there not an actual adjournment of the council till Monday?—A. Yes, sir; there was.

By Mr. ELDRIDGE:

Q. Had any members of the council left, or were they all there?—A. I think one or two had left.

Q. Were they called back?—A. I think not; if so, they did not return.

By Mr. CHIPMAN:

Q. Was that a proper bill to pass?—A. I think so.

Q. Were there any objections to its passage?—A. Not that I know of.

Q. Was there any objection made at the time to proceeding, because of your having made this motion to adjourn?—A. No, sir; not to my recollection.

Q. Was there any question at all?—A. No, sir.

Q. Was there any motion made to correct the journal?—A. No, sir; not to my knowledge.

Q. It appears that the matter occurred at the time regularly?—A. Yes, sir.

WASHINGTON, D. C., *March 20, 1872.*

J. T. VARNELL recalled and examined.

By Mr. GREEN:

Question. Did you mean to state, as reported, that the meat you offered under your bid was shin-bones and shanks?—Answer. No, sir.

Q. Did you mean that the meat actually furnished by Carroll was shin-bones and shanks, for which he had 12½ cents a pound?—A. I think so; I did not follow it to the alms-house and see whether it went there.

Q. Can you buy in Baltimore good, fair, dressed beef as low as 6 cents a pound?—A. I generally buy cattle alive; I could have furnished good beef, up to the last month, for 6 cents a pound.

Q. Was the meat you offered to furnish of good quality?—A. Yes, sir; there would be some joints with the rest.

Q. Who are some of your customers?—A. The Commissary Department, the Soldiers' Home, Georgetown College, and Georgetown Academy, and the Insane Asylum.

Q. Have you, within a few days, seen meat that Carroll is furnishing to the asylum under his contract?—A. I have seen it; it was what we call necks and shins.

Q. What is the market value per pound?—A. Four to six cents.

Q. Do you think such meat as you saw proper food for the asylum?—A. I do not know; it was off a very good beef.

Q. Did Mr. Carroll make an effort to induce you not to bid against him?—A. I have come in contact with him in contracts where he wanted me to give him money.

Q. Has he ever taken money from you?—A. Yes, sir.

Q. Has he ever taken money from you for refraining from bidding against him?—A. Yes, sir; and talked all over Washington about it.

Q. How much?—A. Eighty dollars.

Q. When?—A. About a couple of months ago. He took my check, not the money.

Q. Has any person in charge of the public institutions to which Mr. Carroll is furnishing meat informed you that Carroll's meat was much inferior to that which you furnished to the same institution?—A. No, sir.

Q. Have you had any conversation with any person as to the reason for changing the purchase of meat to Carroll?—A. That institution has nothing to do with this at all.

Q. Does the District legislature make any appropriation for that institution?—A. I think the surgeon in charge told me they did.

Q. Who was he?—A. Dr. Thompson.

Q. What reason did he assign for dealing with Carroll rather than with you?—A. He said if he gave the business to Mr. Carroll he would vote for this bill of \$5,000 to the institution.

By Mr. CHANDLER:

Q. What prices did you get at the various institutions?—A. Different prices, from 7 to 15 cents; some as low as 5 cents.

Q. What institution have you furnished at 7 cents?—A. The marine barracks.

Q. What for 5 cents?—A. The pork butchers in Washington.

Q. What kind of meat?—A. What we call chucks.

Q. You spoke of some public institutions that you have furnished. At what rates?—A. From 7 to 15 cents.

Q. What has been the general price you have received?—A. I have made no calculation.

Q. Have you furnished any considerable quantity for 7?—A. Yes, sir; what we call butt ribs of the whole bullock, mixed through.

Q. As good meat as you saw Mr. Carroll furnishing?—A. I did not say I saw Mr. Carroll furnishing the meat at the almshouse. I suppose the meat went there.

Q. You saw them cutting it up. Will you state the transaction in which you paid him \$80?—A. There was a contract to be let, and he came to my office and called me out, and said he wanted the contract. I said, "If you want it worse than I do, you better bid well." He said, "Give me a hundred dollars, and I will let you control my bid." I told him I would give the hundred dollars. But another bid was slipped in between us, and got the contract. I said I did not go back on what I had agreed, but I wanted him to be a little easy. He said, "Give me \$80;" and I gave my check.

Q. Where was the meat to be furnished?—A. At the navy-yard.

Q. What were the bids?—A. Thirteen, twelve and a half, and ten.

Q. Carroll's bid was thirteen?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. Who let this contract?—A. The navy paymaster, Mr. Stewart.

By Mr. CHANDLER:

Q. Carroll deals largely in meat, does he not?—A. Not much; not more than enough to furnish one hotel or a good sized boarding-house.

By Mr. GREEN:

Q. Was the meat to be furnished to the navy-yard the same as was furnished to the almshouse?—A. Yes; the same.

By Mr. CHIPMAN:

Q. Where was the meat you saw being cut up?—A. Down at the Center Market.

Q. That is as near as you saw the meat to the almshouse?—A. Yes.

By Mr. ELDRIDGE:

Q. To whom did you sell for 5 cents?—A. Pork butchers.

Q. What do they buy it for?—A. To make sausages.

WASHINGTON, D. C., *March 20, 1872.*

F. J. BROOKS duly sworn and examined.

By Mr. GREEN:

Question. State your name, residence, and occupation.—A. F. J. Brooks, Washington; am a butcher in Northern Center Market.

Q. Is your stand near that of Mr. Carroll, in the market?—A. Ten or twelve feet from it.

Q. Have you observed meat being loaded into his wagon for the almshouse?—A. Yes.

Q. What was the quality of the meat?—A. It was a class of meat that we are glad to sell for 5 and 6 cents a pound.

Q. What kind?—A. It was inferior meat off a good grade of cattle. Mr. Carroll has been killing a good kind of cattle. These were chuck and shin pieces.

Q. What would you furnish that kind of meat for?—A. Pork-butchers give me 5 cents a pound. It is impossible to furnish the best cuts for the price that Carroll gets.

By Mr. ELDRIDGE:

Q. What would a good quality of beef, such as should be furnished to such an institution, be worth?—A. I should want 15 cents for good beef; for corned beef, 10 cents. I could not sell the good cuts and all for less than 12 cents a pound.

Q. These chucks and shin pieces are not proper meat to furnish, are they?—A. They will do to make soup. I would not eat it if I could get better.

WASHINGTON, *March 20, 1872.*

POULUS THYSON duly sworn and examined.

By Mr. GREEN:

Question. State your name and residence.—A. Poulus Thyson; Washington.

Q. Please state to the committee in your own way what you know in regard to this matter of the market-house, the Savage and Corcoran squares, and the negotiations between

Mr. Gulick and Mr. Fowler.—A. I do not know of any negotiations between Mr. Gulick and Mr. Fowler whatever. In fact I do not know Mr. Gulick.

Q. Have you not some information in regard to a negotiation between Mr. Fowler and Mr. Gulick, in regard to locating the market?—A. No, sir. If you want to know what Mr. Fowler and I have spoken together, I can tell it.

WASHINGTON, *March 20, 1872.*

MICHAEL DUFFY duly sworn and examined.

By Mr. GREEN :

Question. State your name and connection with the District government.—Answer. Michael Duffy ; I have no connection with the District government that I know of. I was appointed assessor of the Twelfth district, not knowing anything about it when I had the appointment. My duty was done about the 10th of this month.

Q. Were you summoned to bring your books with you?—A. I was ; but I have no control over them now.

Q. Can you state the valuation per foot on the corner of Pennsylvania avenue and Seventh street?—A. No, sir ; I have no control of any assessments but my own.

Q. Can you state what your own assessment was?—A. I think my assessment is seven or eight dollars.

Q. Do you know what it was last year?—A. No, sir.

By Mr. ELDRIDGE :

Q. Who first appointed you?—A. Governor Cooke, your honor, without seeking that appointment.

By Mr. HARMER :

Q. Are you the owner of real estate?—A. I am, sir ; plenty of it.

By Mr. GREEN :

Q. Did you receive any money to be used in the last election?—A. Not a dollar nor a cent.

WASHINGTON, *March 20, 1872.*

JAMES H. STONE duly sworn and examined.

By Mr. GREEN :

Question. Please state all you know in regard to the negotiation between Mr. Fowler and Mr. Gulick in reference to the location of a market upon Savage and Corcoran squares.—Answer. I know but very little, except what came through Mr. Fowler.

Q. Did you see a letter written by Mr. Gulick to Mr. Fowler?—A. Yes, sir ; requesting him to call and see him.

Q. Did you see any statement of the price asked by Mr. Corcoran for his square?—A. I did.

Q. What was it?—A. One hundred and sixty thousand dollars.

Q. Was that correct?—A. No, sir.

Q. What was the price asked?—A. One hundred thousand dollars.

Q. Was that to be paid to him in money?—A. In District bonds, I think.

Q. Was there any understanding between Mr. Corcoran and the District government as to the disposition of them?—A. I understood he was to receive them, and turn them over to the Art Building as a gift.

Q. Do you know whether it became necessary for private individuals to correct the misstatement in the newspapers as to the price?

[The committee considered this sufficiently shown already.]

The following papers were presented and ordered to be printed with the evidence :

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Washington, D. C., March 25, 1872.

SIR : I send herewith the copy of the specifications you asked for this morning.

Yours, respectfully,

JAMES A. MAGRUDER.

B. E. GREEN, Esq.

SPECIFICATIONS, &C.

Detail estimate and specification for tram-wall and stone work for the Washington Canal.

The estimate being based on drawings submitted to the commission, and on the cost and present prices of labor and material, it is recommended to let out the work to some responsible party, if it can be executed at, and not exceed, the prices herein stated, the latter having been submitted for approval of the commission.

The wooden tram-wall, including sheet-piling, tying, and furnishing materials for same complete, \$4 62 per lineal foot; the piles and ties—in fact, all the timber—to be sound white or yellow pine; sizes of piles to be not less than 10 inches on the end; capping 10 by 12 inches; and sheet-piling to be 3 inches thick. The work to be done in a satisfactory manner and to be approved by the commission.

The estimate along such portions of the canal where the foundation for the protection of the banks shall be of timber, and the upper portion, from low water up, of stone, is as follows: The material to be used for the foundation shall be piles of yellow pine, not less than 10 inches on the large end, and driven to an unyielding soil; two rows shall be driven for the wall; those of both the exterior and interior lines being 5 feet apart from center to center, and also the same distance between the two; the piles to be sawed off to a level and capped with 10 by 12 inch timber; the capping to be securely fastened to the rows of piles; cross-pieces shall be laid crosswise on the cappings, over the heads of every fourth row of piles: upon this platform a floor, 5 feet in width, shall be laid, of 3-inch thick sound plank, nailed firmly to it; back of the exterior row, sheet-piling shall be driven, of 3-inch thick sound plank, to be nailed to the capping, and long enough to make secure work; there shall also be a row of back piles, driven as per plan accompanying report, with which ties shall be fastened to secure the front work from being pressed out.

On this foundation the stone wall is to be built, the thickness of which shall be 4 feet wide on the bottom and $3\frac{1}{2}$ feet on the top, and of such height as to correspond with the grade of the adjacent grounds, the whole to be laid in cement. In making allowance for the stone in the old wall, it is estimated that this work, including labor and other material still wanted, can be built and completed, in a workmanlike manner, at about \$11 21 per lineal foot, subject to the approval of the commission.

Respectfully submitted.

N. MICHLER,
Major of Engineers, United States Army.

A true copy.

CHAS. S. JOHNSON,
Assistant Secretary.

E.

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Washington, D. C., March 4, 1872.

[*Extract from journal 1871, under date of October 24, 1871.*]

* * * * *

A committee of five gentlemen called upon the board in reference to the improvement of East Capitol street, and, after stating their views upon the manner in which the improvement should be made, withdrew, after receiving assurances that their views would be considered.

* * * * *

Official extract.

S. P. BROWN, *Secretary.*

CHAS. S. JOHNSON,
Assistant Secretary.

At a general meeting held at 226 East Capitol street, October 10, at 7 p. m., of property-holders in the eastern portion of the city, the meeting was called to order, and, upon motion of General Ross, Hon. William Williams was unanimously elected chairman, and C. D. Willard secretary of the meeting.

The object of the meeting was stated by the chairman, Hon. S. Garfield, General Ross, and others, and earnest efforts were advised by various speakers to obtain a first-class pavement on East Capitol street, and to obtain from the board of public works a fair proportion of the improvements upon Capitol Hill, and to this end the following preamble and resolutions hereto attached were offered by Hon. W. S. Lincoln, and supported earnestly by remarks by several present, after which they were adopted with but one dissenting vote.

Upon motion, a committee of six were appointed to consult with the board of public works

and present said preamble and resolutions, and to earnestly request that the object of said resolutions be carried out.

Hon. Wm. Williams, C. H. Holden, R. J. Atkinson, W. S. Lincoln, E. Frederick, and George Oyster were appointed said committee by the meeting.

Upon motion, it was

Resolved, That said committee consult with the citizens on Capitol Hill in regard to said improvements, and to obtain their opinion in regard to the same, and that said committee represent the same to the board of public works.

Upon motion of C. S. Bundy, it was unanimously

Resolved, That the solemn protest of A. Grant be entered upon the minutes of this meeting against its action.

Upon motion of W. S. Lincoln the meeting adjourned.

WM. WILLIAMS, *Chairman*.

C. D. WILLIARD, *Secretary*.

A true copy:

CHAS. JOHNSON,
Assistant Secretary.

Whereas it was evidently the intention of the great founder of the city of Washington that the city proper should be located east of the Capitol, the Capitol having been built with reference to such location;

And whereas there are no such high, eligible, and convenient locations in any part of the city for public buildings or private residences as on Capitol Hill: Therefore,

Resolved, That we claim for the residents and tax payers of that locality that a just and fair proportion of the amount expended by the board of public works shall be expended there in substantial improvements.

Resolved, That inasmuch as various rumors are afloat in reference to the cutting down of First street east and streets leading into the same, we, the property-owners on Capitol Hill protest against any the material reduction of the grade of said street.

Resolved, That inasmuch as East Capitol street is the principal avenue leading from the Capitol to Lincoln Park, and one of the most beautiful streets in the city, we most earnestly, but respectfully, protest against macadamizing said street, and demand that it be paved with a first class pavement and properly parked in the center.

Resolved, That we cordially indorse the action of the board of public works of this District in their efforts to improve and beautify the city.

Resolved, That a committee of five be appointed by this meeting to wait upon the board of public works, in pursuance of the foregoing resolutions, and ask of said board the parking of East Capitol street in the center, and the paving of said street from First street east to Lincoln Park with a first-class pavement, and to cause said work to be commenced immediately, and prosecuted without unreasonable delay.

To the honorable Board of Public Works, Washington, D. C.:

In accordance with a resolution adopted at a general meeting of the citizens and property-holders on Capitol Hill, the undersigned, a committee appointed by said meeting to consult with the citizens and property-holders on East Capitol street and other streets on Capitol Hill, in order to obtain the sense and opinion of the people in regard to improvements in that section of the city, have to state that we have taken pains to consult generally with the property-holders and citizens of Capitol Hill, and in accordance with the general opinion and wishes of said citizens, we are unanimously agreed, and respectfully, but earnestly, urge that the board of public works establish the grade of East Capitol street and other streets on Capitol Hill with as little delay as practicable, and that East Capitol street be parked in the center from First street east to Lincoln Park, and be paved with what is commonly known as the Parisian asphalt pavement, the same as now laid in front of the Arlington Hotel in this city, and that South A street be paved with the same pavement from First street east to the east side of Second street, and South B street from New Jersey avenue to Pennsylvania avenue and Second street east, and that said work be commenced as soon as practicable and performed in a substantial and workmanlike manner and prosecuted to completion with as little delay as possible; all of which we respectfully submit.

We further recommend that New Jersey avenue and First street east be graded between C street south and Virginia avenue.

W. WILLIAMS,
E. S. ATKINSON,
C. H. HOLDEN,
W. S. LINCOLN,
Of the Committee.

A true copy:

CHAS. JOHNSON,
Assistant Secretary.

EXECUTIVE OFFICE, DISTRICT OF COLUMBIA,
Washington, March 21, 1872.

The number of votes cast in the District of Columbia at the election held on the 20th day of April, 1871, for delegates to the house of representatives, was..... 26,306
The number of votes cast for members of the house of delegates in November 22, 1871, was..... 17,750
For the loan of \$4,000,000..... 14,760
Against the loan of \$4,000,000..... 1,213
For interest on loan..... 14,071
Against interest on loan..... 1,030

WM. TINDALL,
Secretary to Governor.

I hereby certify that the annexed tabular statement is a true and correct exhibition of the number of voters registered at the registration held in the District of Columbia during the months of October and November, 1871. The column headed first registration shows the number of voters registered in the several legislative districts, commencing October 2 and ending November 1, 1871. The column headed second registration shows the number of votes registered at the city hall for the four days commencing November 14 and ending November 17, 1871, as provided for by the act of August 23, 1871.

WM. C. HARPER,
Clerk to Board of Registration.

MARCH 20, 1872.

A true copy:

WM. TINDALL,
Secretary to Governor.

Number of voters registered at the registration held in the District of Columbia during the months of October and November, 1871, given by districts.

Districts.	First registration.	Second registration.	Total.	Districts.	First registration.	Second registration.	Total.
First.....	653	142	795	Thirteenth.....	547	487	1,034
Second.....	684	445	1,129	Fourteenth.....	860	432	1,292
Third.....	525	393	918	Fifteenth.....	872	568	1,440
Fourth.....	529	392	921	Sixteenth.....	447	336	785
Fifth.....	793	355	1,148	Seventeenth.....	987	382	1,369
Sixth.....	585	374	959	Eighteenth.....	647	195	842
Seventh.....	551	366	917	Nineteenth.....	586	188	774
Eighth.....	669	438	1,107	Twentieth.....	705	484	1,189
Ninth.....	366	294	660	Twenty-first.....	719	332	1,051
Tenth.....	408	300	708	Twenty-second.....	880	145	1,025
Eleventh.....	445	259	704				
Twelfth.....	412	382	794	Total.....	13,870	7,691	21,561

WASHINGTON, D. C., March 20, 1872.

Districts.	White.	Colored.	Total.	Districts.	White.	Colored.	Total.
First.....	432	572	1,004	Thirteenth.....	963	290	1,253
Second.....	786	603	1,389	Fourteenth.....	1,156	918	2,074
Third.....	846	283	1,129	Fifteenth.....	1,616	574	2,190
Fourth.....	766	510	1,276	Sixteenth.....	802	267	1,069
Fifth.....	812	676	1,488	Seventeenth.....	940	930	1,870
Sixth.....	523	388	911	Eighteenth.....	907	611	1,518
Seventh.....	550	1,107	1,657	Nineteenth.....	494	108	602
Eighth.....	654	741	1,395	Twentieth.....	1,034	567	1,601
Ninth.....	674	368	1,042	Twenty-first.....	747	600	1,347
Tenth.....	662	193	855	Twenty-second.....	1,124	125	1,249
Eleventh.....	687	264	951				
Twelfth.....	582	77	659	Total.....	17,757	10,772	28,529

I certify that the above is the correct number of voters registered in the District of Columbia, during the first registration under the territorial government.

Attest:

HENRY JOHNSON,
Member and Secretary of Board of Registration.

Copy of certificate on file in executive office, District of Columbia.

WM. TINDALL,
Secretary to Governor.

MARCH 21, 1872.

	White.	Colored.	Total.
First registration.....	12, 115	7, 500	19, 615
Second registration at city hall. The number registered daily during the sitting of the board.....	1 962	713	1, 675
	2 767	536	1, 303
	3 573	385	958
	4 752	561	1, 313
	5 504	281	785
	6 482	196	678
	7 439	166	605
	8 554	199	753
	9 609	235	844
Total.....	17, 757	10, 772	28, 529

The figures 19,615 represent the number registered prior to going to city hall.

HENRY JOHNSON,
Secretary Board of Registration.

EXECUTIVE OFFICE, DISTRICT OF COLUMBIA,
Washington, March 18, 1872.

SIR: In response to the vote of the committee of March 5, calling for certain information, I have the honor to submit the following:

1. Letter of the comptroller dated March 18, inclosing exhibits X, Y, and Z, and also a statement of the appropriations and expenditures for contingencies.
2. Statement of the treasurer of the board of public works, accompanied by report of the auditor, showing the receipts and disbursements of the board.

The responsibilities and pecuniary obligations of the District government on account of work ordered without contract, and by means of work undertaken but not completed, are estimated, as nearly as practicable, in the statement of the treasurer of the board of public works.

3. An estimate of the tax necessary to be levied during the current year, and annually thereafter, including the assessments and valuation of property as made for the purposes of taxation.

Very respectfully,

H. D. COOKE, *Governor.*

Hon. H. H. STARKWEATHER,
Chairman of the Committee for the District of Columbia.

DISTRICT OF COLUMBIA, COMPTROLLER'S OFFICE,
Washington, March 18, 1872.

SIR: I have the honor to transmit herewith the following statements as requested, and in reply to the resolution of the Congressional Committee of Investigation of the Affairs of the District, viz: X.—Statement of the receipts and expenditures to March 1, 1872; Y.—Statement of the public debt of the District and of the late corporations existing March 1, 1872; and Z.—Statement of the revenues of the District and of the late corporations, the amounts realized, and the amounts available on the 1st of March, 1872.

Very respectfully, your obedient servant,

GEO. E. BAKER,
Comptroller.

Hon. H. D. COOKE,
Governor of the District of Columbia.

P. S.—I also inclose statement of the appropriations for contingencies of the executive department, governor's office, secretary's office, and judicial expenses of the executive department, and the payments made on account of the same to March 1, 1872.

GEO. E. BAKER,
Comptroller.

[Indorsement.]

EXECUTIVE OFFICE, *March 18, 1872.*

Respectfully referred to Hon. Wm. E. Chandler, attorney, with the accompanying statements.

H. D. COOKE, *Governor.*

X.—Statement of the receipts and expenditures of the District of Columbia from June 1, 1871, to March 1, 1872.

RECEIPTS.

<i>Washington City, taxes, levy 1871-'72, &c.:</i>		
Real estate.....	\$785,678 14	
Personal	26,193 34	
Licenses to September 1, 1871	13,892 32	
Market rents.....	2,084 84	
Fines—police court	3,124 24	
		\$830,972 88
<i>Georgetown, taxes, levy 1871-'72, &c.:</i>		
Real estate	45,938 81	
Personal	5,330 54	
Market rents	855 22	
		52,124 57
<i>County of Washington, taxes, levy 1871-'72, &c.:</i>		
Real estate.....	40,931 31	
Personal	1,827 86	
		42,759 17
<i>General District:</i>		
Licenses since September 1, 1871	110,773 18	
Refunded.....	242 00	
Temporary loan, act June 30, 1871.....	250,000 00	
Temporary loan, act August 11, 1871	500,000 00	
Water-stock bonds, act —	450,000 00	
Permanent improvement bonds, act July 10, 1871	2,000,000 00	
Rebate of interest on permanent improvement bonds	1,033 30	
		3,312,048 48
<i>Special accounts:</i>		
J. W. Buker, late county collector, overpayment to treasurer.....	41 82	
Suspense account	88	
Water-taxes advertised, and water-rents to October 1, 1871..	21,369 77	
Ten-cent bond tax, Washington	49,105 10	
Poor fund—Washington Market Company's franchise rental.....	12,206 32	
Special taxes	180,759 38	
Redemption from tax sales	7,018 16	
Surplus fund	43 80	
Outstanding warrant	6 16	
		270,551 39
<i>Late corporations.</i>		
<i>City of Washington:</i>		
Arrears of general taxes.....	51,428 28	
Miscellaneous	6,268 52	
Temporary loan, act January 29, 1872.....	500,000 00	
		557 696 80
<i>Georgetown:</i>		
Arrears of general taxes.....		20,125 05
<i>Levy court:</i>		
Arrears of general taxes.....		3,237 81
Total receipts		5,089,516 15

EXPENDITURES.

<i>Washington City:</i>		
General, school, police, and gas funds	\$553,617 26	
Refunding licenses	8 01	
Refunding taxes.....	1,152 41	
		\$554,777 68
<i>Georgetown:</i>		
General, school, police, and gas funds		31,126 45
<i>County of Washington:</i>		
General, school, and police funds		39,664 94
<i>General District:</i>		
General District fund	404,984 57	
Refunding licenses	81 00	

Judicial fund	\$200 00	
Temporary loan, act June 30, 1871.....	250,000 00	
Temporary loan, act August 11, 1871,	500,000 00	
Interest on temporary loan, act June 30, 1871	10,801 61	
Interest on temporary loan, act August 11, 1871.....	16,070 86	
Commissions, 2½ per cent., and discount, 3½ per cent. on \$2,000,000 "permanent improvement bonds" sold.....	120,000 00	
Interest from May 1 to January 1, on \$450,000 "water stock" bonds sold.....	5,250 00	
		\$1,307,388 04
<i>Special accounts :</i>		
Water fund	22,274 20	
Commissioner's sinking-fund account, 10-cent bond tax	55,180 56	
Poor fund, Washington Market Company, franchise rental..	10,192 15	
Special taxes.....	180,147 25	
Redemption from tax sales	7,019 59	
		274,813 75
<i>Disbursing officers :</i>		
Treasurer of the board of public works.....	1,842,133 33	
Treasurer of the board of health.....	32,757 50	
O. E. Babcock, major and engineer in charge of the Wash- ington Aqueduct, account 36-inch main	245,000 00	
		2,119,890 83
<i>Late corporations.</i>		
<i>City of Washington :</i>		
G. E. Baker, comptroller, to pay interest.....	756 43	
First National Bank of Washington to pay interest	13,292 74	
Coupons of the various bonds redeemed by G. E. Baker, comptroller	39,493 21	
Commissioners of the sinking fund to pay interest, &c	91,383 74	
		144,926 12
<i>Georgetown :</i>		
Commissions and abatements.....	1,422 31	
William Laird, late treasurer, disbursed for sundries	14,768 37	
		16,190 68
<i>Levy court :</i>		
L. Clark, late treasurer, disbursed for sundries		1,172, 76
Total expenditures.....		4,489,951 25
Cash in bank, March 1, 1872		599,564 90
Proof		5,089,516 15

RECAPITULATION OF STATEMENT.

Sections, &c.	Debit, receipts.	Credit, expendi- tures.
DISTRICT OF COLUMBIA.		
Washington City	\$830,972 88	\$554,777 68
Georgetown.....	52,124 57	31,126 45
County of Washington.....	42,759 17	39,664 94
General District	3,312,048 48	1,307,388 04
Special accounts	270,551 39	274,813 75
Disbursing officers		2,119,890 83
Total District of Columbia	4,508,456 49	4,327,661 69
LATE CORPORATIONS.		
City of Washington.....	557,696 80	144,926 12
Georgetown.....	20,125 05	16,190 68
Levy court.....	3,237 81	1,172 76
Total late corporations	581,059 66	162,289 56
Total receipts and expenditures.....	5,089,516 15	4,489,951 25
Cash balance in bank		599,564 90
Footings	5,089,516 15	5,089,516 15

INVESTIGATION INTO THE AFFAIRS OF

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington City, March 18, 1872.

I hereby certify that the foregoing is a complete, full, and correct statement of the receipts and expenditures of the District of Columbia from the 1st day of June, 1871, to the 1st day of March, 1872.

GEO. E. BAKER,
Comptroller.

Y.—Statement of the public debt of the District of Columbia, and of the late corporations of the cities of Washington and Georgetown and the levy court, existing March 1, 1872.

Date authorizing act—legislative assem'y.	Description.	Totals.	Aggregates.
	DISTRICT OF COLUMBIA.		
July 10, 1871	Permanent improvement bonds—authorized, \$4,000,000; not issued, \$2,000,000.	\$2, 000, 000 00	
July 20, 1871	Water-stock bonds.....	450, 000 00	
August 23, 1871	Market-stock bonds—authorized, \$300,000.....	Not issued.	
October 18, 1871	Chicago relief bonds—authorized, \$100,000.....	Not issued.	
	Total		\$2, 450, 000 00
	LATE CORPORATIONS.		
	Washington City.		
	Bonds and ascertained floating debt.....	2, 966, 093 00	
January 19, 1872	Temporary loan, in anticipation of special tax levy	500, 000 00	
	Total		3, 466, 093 00
	Georgetown.		
	Bonds and ascertained floating debt.....		261, 463 00
	Levy court.		
	Ascertained floating debt		28, 825 00
	Total debt March 1, 1872.....		6, 206, 381 00

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington City, March 18, 1872.

I hereby certify that the foregoing statement is correct.

GEO. E. BAKER,
Comptroller.

Z.—Statement of the revenues of the District of Columbia and of the late corporations of Washington, Georgetown, and the levy court, the amount thereof realized, and the amount available March 1, 1872.

Description.	Authorized for fiscal year ending June 30, 1872.	Amounts received thereof up to March 1, 1872.	Balances available on March 1, 1872.
DISTRICT OF COLUMBIA.			
Permanent improvement bonds	\$4, 000, 000 00	\$2, 000, 000 00	\$2, 000, 000 00
Water-stock bonds	450, 000 00	450, 000 00	.....
Market-stock bonds	300, 000 00	.....	300, 000 00
Chicago relief bonds	100, 000 00	.....	100, 000 00
Tax levy, licenses, &c., 1871-'72	1, 421, 075 00	1, 082, 610 66	338, 464 34
Totals	6, 271, 075 00	3, 532, 610 66	2, 738, 464 34
LATE CORPORATIONS.			
<i>Washington City.</i>			
Arrears general taxes	284, 009 52	61, 795 97	222, 213 55
Due from United States Government, special improvements in front United States property.	281, 958 00	.....	281, 958 00
Due from United States Government for value of market-house improvements.	18, 710 00	.....	18, 710 00
Bonds and interest of Washington and Georgetown Railroad Company.	89, 862 00	.....	89, 862 00
Bonds and interest of Chesapeake and Ohio Canal Company.	98, 000 00	.....	98, 000 00
Special tax levy, 1872, act legislative assembly, January 19, 1872.	499, 956 00	.....	499, 956 00
Totals	1, 272, 495 52	61, 795 97	1, 210, 699 55
<i>Georgetown.</i>			
Arrears general taxes, &c.	22, 893 00	20, 125 05	2, 767 95
Bonds and interest Chesapeake and Ohio Canal Company ..	55, 127 00	.....	55, 127 00
Totals	78, 020 00	20, 125 05	57, 894 95
<i>Levy court.</i>			
Arrears general taxes, estimated	6, 000 00	3, 237 81	2, 762 19
Due from corporation Washington	28, 503 00	.....	28, 503 00
Due from United States Government for road improvements.	1, 184 00	.....	1, 184 00
Totals	35, 687 00	3, 237 81	32, 449 19
<i>Recapitulation.</i>			
District of Columbia	6, 271, 075 00	3, 532, 610 66	2, 738, 464 34
Late corporation Washington	1, 272, 495 52	61, 795 97	1, 210, 699 55
Late corporation Georgetown	78, 020 00	20, 125 05	57, 894 95
Late corporation levy court	35, 687 00	3, 237 81	32, 449 19
Grand totals	7, 657, 277 52	3, 617, 769 49	4, 039, 508 03

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington City, March 18, 1872.

I hereby certify that the foregoing statement is correct.

GEO. E. BAKER,
Comptroller.

Statement in detail of the appropriations made by the legislature of the District of Columbia for contingencies of the executive department, governor's office, secretary's office, judicial expenses of the executive department, and of the payments made on account of the same to March 1, 1872.

	Details of expend- itures.	Aggregate of expenditures.	Amount ap- propriated.
Act August 23, 1871, contingent expenses of the executive department, including advertising, printing, binding, stationery, publishing the laws of the District of Columbia, and other incidental expenses.			\$20,000 00
Advertising:			
John W., jr., and D. C. Forney	\$1,599 04		
Chronicle Publishing Company	2,041 00		
Evening Star Company	1,611 59		
W. D. Hughes	103 40		
Anzeiger	15 00		
		\$5,370 03	
Printing:			
Chronicle Publishing Company	4,612 91		
New National Era	840 00		
Gibson Brothers	132 75		
		5,586 66	
Temporary employes:			
Executive offices:			
B. N. Meeds	550 00		
A. N. Thompson	200 00		
		750 00	
Governor's office:			
Jos. C. Beckett	424 12		
R. W. Collins	157 19		
D. McLaughlin	303 30		
		884 61	
Secretary's office:			
A. O. Houghton		172 59	
Assessment office:			
David Jones	76 44		
John S. Slater	140 00		
James A. Shaw	172 00		
Ben. Henderson	115 89		
Aaron Bradshaw	140 00		
Ham Cook	164 00		
St. C. Davis	56 00		
G. F. Clarkson	92 00		
Wash Waller	160 00		
Judson S. Brown	176 00		
W. P. Price	123 28		
Henly Ray	123 28		
E. W. Hayden	180 00		
W. H. Thornton	72 00		
L. H. Hall	176 00		
A. R. Brown	120 00		
		2,086 89	
General public buildings:			
Rebecca Young	130 48		
Rebecca Dougherty	220 06		
W. Beckett	303 30		
Robert Griffin	747 13		
John W. Moeller	246 57		
W. Sayres	76 44		
C. Addison	318 00		
Ignatius Bond	308 00		
James Gray	236 00		
John A. Lewis	308 00		
M. J. Chipman	75 00		
C. S. Johnson	151 44		
O. P. Anderson	316 64		
C. W. Swaggart	133 66		
W. Bradford	82 50		
		3,653 22	
Sundries:			
A. S. Pratt & Son, insurance	100 00		
W. E. Dant, bricklaying	17 50		
James Kelly, plumbing	12 15		
A. Fowler, coal	7 50		
Morris & Gladman, \$43, and J. C. Beckett, \$8, conveyance of paupers.	51 00		
W. Lancaster, whitewashing, \$13 33, and J. B. Elkins, garbage boxes, \$73 50.	86 83		
J. L. Harris, painting signs for assessor's office	27 50		
Philp & Solomons, stationery for legislative assembly	130 00		
G. W. Fisher, physician to the poor	40 05		

Appropriations made by the legislature of the District of Columbia, &c.—Continued.

	Details of expend- itures.	Aggregate of expenditures.	Amount appropriated.
Sundries—Continued.			
B. F. French, directory for governor's office	\$4 00		
Sundry small bills for the governor's office	300 00		
		\$776 53	
Total of expenditures and appropriation		19,279 53	\$20,000 00
Act August 23, 1871, judicial expenses, executive department.			
			10,000 00
EXPENDITURES.			
For messengers, reporters, temporary employés, and clerical services in preparation and trial of various cases in the district courts, including the case of Davis <i>et al.</i> vs. Cooke <i>et al.</i>:			
James O. Clephane, reporting injunction and other cases..	620 00		
R. A. McMurray, clerical service in injunction suit.....	150 00		
F. A. Aiken, clerical services in injunction suit	50 00		
D. E. Cahill, assisting in cases generally	635 00		
James Penney, messenger	341 91		
W. W. Bassett, special clerical services.....	692 10		
Julius Solger, clerical services in injunction suit	175 00		
W. S. Smith, special clerical services.....	150 00		
Chronicle, printing.....	325 00		
S. M. Plumley & Bro., patent paper-case.....	90 00		
Philp & Solomons, stationery.....	126 53		
A. Sharp, United States marshal, summoning witnesses..	67 50		
Witness fees, &c., cases in district courts	201 25		
L. Scott, recording deed	1 00		
		3,625 29	
Fitting up and furnishing register of wills' office, employés in same, and copying records of late register of wills:			
D. M. Wheeler, messenger.....	525 00		
Temporary employés, pay-roll	1,004 88		
W. B. Moses, furniture.....	426 75		
J. W. Boteler & Bro., furniture.....	43 25		
W. D. Wyvill & Bro., stoves, &c.....	109 05		
J. J. Peabody, bell-hanging.....	7 00		
S. C. Magruder, coal and wood	74 50		
		2,190 43	
Total of expenditures and appropriations.....		5,815 72	10,000 00
Act January 19, 1872, contingent expenses of the governor's office.			
			2,000 00
EXPENDITURES.			
Repairs:			
J. C. Shafer	10 25		
James W. Collins	15 00		
James Kelly.....	105 03		
W. Bowen.....	8 00		
		138 28	
Stationery:			
John C. Parker.....	276 60		
Philp & Solomons	87 13		
		363 73	
Sundries:			
B. F. Clark, coal.....	37 50		
H. I. Gregory, two water-carriers	4 50		
F. Wright, examining contract work	50 00		
Washington Gas-Light Company, gas.....	46 15		
Sundry small bills, contingencies	100 00		
A. N. Thompson, clerical services	200 00		
		438 15	
Total expenditures and appropriations.....		940 16	2,000 00
Act August 23, 1871, contingent expenses, office secretary of the District.			
			10,000 00
EXPENDITURES.			
Temporary employés:			
W. G. Moore	435 00		
A. O. Houghton	250 68		
A. N. Thompson.....	100 00		
D. Jones	148 97		

Appropriations made by the legislature of the District of Columbia, &c.—Continued.

	Details of expend- itures.	Aggregate of expenditures.	Amount appropriated.
Temporary employés—Continued.			
M. Pechin.....	\$25 00	\$1,109 65	
A. S. Worthington.....	150 00		
Sundries:			
John W. McKnight, furniture.....	254 00	3,195 50	
H. F. Zimmerman, furniture.....	155 00		
T. B. Florence, rent of executive office	1,125 00		
Chronicle Publishing Company, printing the laws.....	525 00		
J. C. Parker, stationery.....	134 75		
J. C. Parker, safe	800 00		
D. Leonard, carpenter's work	201 75		
Total of expenditures and appropriation.....		4,305 15	\$10,000 00
Total amounts of expenditures and appropriations ..		30,340 56	42,000 00

COMPTROLLER'S OFFICE,

District of Columbia, Washington City, March 18, 1872.

I hereby certify that the foregoing is correct.

GEO. E. BAKER, *Comptroller.*

Statement of the receipts of the treasurer of the board of public works up to March 6, 1872.

Date of ap- proval of appropri- ation act.	Purpose.	Amount.
1871.		
FROM THE COMPTROLLER.		
July 20	For salaries of ward commissioners and pay of laborers, Washington City..	\$12,000 00
August 23	For defraying two-thirds expense of paving and sewerage M street north..	106,882 66
	For judicial expenses of the board.....	10,000 00
	For contingent expenses of the board.....	67,000 00
	For sweeping streets.....	10,000 00
	For defraying the expenses of the board prior to July 15, 1871.....	35,000 00
	For repairs of the District armory.....	1,000 00
	For opening and sewerage Eighth street from Boundary street north.....	3,300 00
16	For erecting public drinking-fountains.....	1,000 00
23	For defraying two-thirds expenses of paving and sewerage Seventh street south.	103,150 67
19	For purchase of lot and erection of station-house in Uniontown.....	4,800 00
11	For improvements and repairs, in anticipation of the revenues, &c.....	488,000 00
July 10	For improvements and repairs in the District of Columbia, &c.....	1,040,000 00
	Total received from comptroller.....	1,882,133 33
FROM OTHER SOURCES.		
	From water registrar for water rents.....	\$41,654 75
	From tax assessments on improvement of M street north....	22,494 12
	From canal certificates paid to contractors.....	83,454 68
	From sale of cobble-stones, gravel, &c.....	1,160 01
	From permits for opening streets, &c.....	470 00
		149,233 56
	Total receipts.....	2,031,366 89
	Payments per auditor's certificates.....	\$2,007,911 99
	Payments per water register's rolls.....	16,635 69
	Cash on hand.....	6,819 21
	Total.....	2,031,366 89

I certify the above statement is correct.

JAMES A. MAGRUDER,

Treasurer of Board of Public Works.

MARCH 18, 1872.

Estimated liabilities under outstanding contracts which will be due upon completion of the work, viz :

Total amount of estimated cost of work let under contracts, as per statement submitted February 2, 1872.....	\$1,311,718 45
Total amount of payments made on same to March 11, 1872.....	938,575 09
Balance of work to be done.....	<u>373,143 36</u>

The above figures represent the total estimated cost of the work, of which one-third will be assessed on adjoining property.

The value of material on hand is \$75,400 82.

The cost of paving Fourteenth street, and its improvement under contract with the late corporation of Washington, is not included in this statement, but will amount to about \$136,195 51.

JAMES A. MAGRUDER,
Treasurer Board of Public Works.

MARCH 18, 1872.

WASHINGTON, D. C., March 12, 1872.

GENTLEMEN: Herewith please find statements in detail of the total expenditures of the board of public works up to and including March 11, 1872.

Exhibit A. Expenditures for Georgetown	\$23,214 93
Exhibit B. Expenditures for Washington county	165,955 90
Exhibit D. Expenditures for Washington City	1,480,313 68
Exhibit C. Expenditures for District not embraced in A, B, and D, including material for streets to the amount of \$223,127 21	338,427 48
Total expenditure	<u>2,007,911 99</u>

Curb and gutter stone, tile-pipe, and trees, amounting to \$200,484 73, and water-pipe, stop-cocks, and supplies for water registrar, amounting to \$22,642 48, are included in Exhibit C, nearly all of which has been used on various improvements; but, owing to the constant press of work in this office, the amount of the material has not yet been charged to the improvements on which used.

Of the \$1,480,313 68 expended for Washington City, \$526,747 11, or more than one-third of the whole expenditure, has been for the canal, Seventh street west, North Capitol street, Fourteenth street west, and M street north, as is shown in detail in Exhibit D, all of which work was contracted for by the late city government, or by commissioners appointed by the Congress of the United States.

Respectfully,

BENJAMIN M. MEEDS,
Auditor Board of Public Works.

To the BOARD OF PUBLIC WORKS of the District of Columbia.

A.—Expenditures in Georgetown, District of Columbia, up to and including March 11, 1872.

Bridges, erection and repairs	\$87 58
Bridge street	20,360 47
Lamps and gas	468 51
Pumps, erection and repairs	120 15
Streets, repairs of	1,904 97
Sewers, repairs of	31 25
Water registrar	242 00
Amount	<u>23,214 93</u>

B.—*Expenditures in Washington county up to and including March 11, 1872.*

Asylum road	\$137 62
Anacostia road	6,320 44
Bridges, erection and repairs	675 85
Bowen avenue	3,729 76
Benning's Bridge road	1,506 67
Brentwood road	788 48
Grant road	260 83
Hamilton road	1,160 28
Howard avenue	585 40
Harrison street	758 25
Lincoln avenue improvement	5,008 17
Livingston road	3,961 94
Linnean Hill road	459 85
Marlborough road	126 60
Military road	519 39
Meridian street	73 38
Mount Pleasant street	502 90
New-cut road, improvement of	4,654 44
Pumps, erection and repair	131 00
Piney Branch road	546 00
Pomeroy avenue	932 15
Pierce road	1,213 61
Queen Chapel road	1,900 96
Roads, repairs of	8,999 21
River road and Sheriff's road	2,761 47
Seventh street road improvement	95,061 02
Stanton avenue	4,096 79
Swartz's road	43 90
Sheridan avenue	3,858 20
Spring street road	373 16
Sumner street	163 50
Sixteenth street road	2,000 00
Sumner road	318 00
Superintendent of roads, pay of, and employés	298 33
Turnpikes	4,793 68
Woodley lane road	7,234 67
Amount	165,955 90

C.—*Expenditures by board up to and including March 11, 1872, for District of Columbia, not embraced in Exhibits A, B, and D.*

Advertising	\$5,187 31
Expenses of fitting up rooms in Morrison's building for use of board	10,891 52
Pay of secretary, engineer, inspector of buildings, book-keeper, paymaster, auditor, assessor, superintendents of streets, sewers, lamps, contracts, canal, and public property	18,515 53
Books, blanks, and stationery	8,187 15
Instruments, tools, and furniture	9,199 17
Pay of clerks, messengers, and watchmen	52,008 25
Curbing, guttering, tile-pipe, and trees	200,484 73
Legal and judicial expenses	4,257 50
Steam-roller	7,053 84
Water registrar, for pipe, stop-cocks, and supplies	22,642 48
Amount	338,427 48

D.—Expenditures in Washington City up to and including March 11, 1872.

Armory, repairs of.....	\$900 20
Alley in square 375.....	355 42
Alley in square 421.....	640 60
Alley in square 436.....	903 50
Alley in square 466.....	301 30
Alley in square 454.....	240 00
Alley in square 455.....	25 00
Alley in square 841.....	491 02
Alley in square 365.....	471 10
Alley in square 347.....	75 00
Alley in square 218.....	48 40
Alley in square 366.....	128 76
Alley in square 518.....	656 38
Alley in square 724.....	2,430 45
Alleys in reservation C.....	1,264 72
Alley in square 907.....	757 60
Alley in square 1000.....	584 30
Alley in square 494.....	282 99
Bridge, First street west and boundary.....	883 05
B street south.....	2,032 88
Bridges, repairs of, (see also foot-bridges, canal-bridges).....	2,536 24
B street north.....	3,101 34
Boundary street northwest.....	583 88
Cleaning and repairs of streets.....	70,633 31
Canal-bridges, erection and repairs of.....	2,938 50
Canal improvement.....	87,432 93
C street south.....	4,267 51
Carroll Spring.....	332 00
C street northeast.....	956 55
City hall.....	160 00
Drinking-fountains.....	168 96
D street south.....	3,415 00
D street north.....	2,730 90
Eighteenth street west, improvement of.....	26,414 53
Eighth street southwest.....	12,736 56
Eleventh street northeast.....	1,040 90
E street south.....	730 77
E street north.....	16,515 70
Eleventh street west, from Pennsylvania avenue to F north.....	21,240 81
Eighth street northwest.....	7,975 18
Eleventh street northwest, from R north to Boundary.....	10,186 98
Eastern market-house.....	108 00
East Capitol street.....	3,249 00
Eighth street east.....	1,200 00
Foot-bridges.....	451 14
Flag footways.....	138 50
F street north, improvement of.....	39,710 54
Fourteenth street northwest.....	57,788 09
Four-and-a-half street.....	5,426 00
Fourth street east.....	3,828 40
Fifteen-and-a-half street west.....	16,165 36
Fifteenth street west, from canal to K north.....	36,611 74
First street west.....	1,681 13
Fifteenth street west, from Q to V north.....	1,565 78
Fifth street southeast.....	2,798 25
Fourth street northwest.....	30 00
First street southeast.....	1,348 00
Fourteenth street southwest.....	450 60
Fifth street northwest.....	1,500 00
Fourteenth street northeast.....	4,876 46
Fifth street northeast.....	950 25
G street north, from Third to Fifteenth west.....	9,258 52
G street north, from Seventeenth to Twenty-seventh west.....	26,216 40
G street north, from Maryland avenue to Sixth street east.....	1,071 25
Hydrants.....	1,148 42
H street north, from Eighteenth to Twenty-seventh west.....	16,634 10
H street north, from First street west to Boundary.....	4,336 50
H street north, from Seventh street to Fourteenth street west.....	2,567 00

H street southwest.....	\$2,008 30
I street north, from Eighteenth to Twenty-seventh west.....	31,568 23
I street north, from Fifteenth to Fifteen-and-a-half streets west.....	3,292 70
K street northeast.....	3,618 50
K street northwest.....	382 45
Lamps and gas, erection and repairs.....	7,708 52
L street northwest.....	5,812 98
L street northeast.....	11,720 60
M street north, from New York avenue to Vermont avenue.....	145,132 94
M street north, from Twenty-second street west to Rock Creek.....	2,698 54
M street southeast.....	9,644 19
Massachusetts avenue northwest.....	4,574 40
M street bridge.....	24,985 48
Market space.....	7,500 35
Maine avenue.....	3,351 16
Maryland avenue east.....	236 05
Missouri avenue.....	13,977 08
M street southwest.....	4,566 94
Madison street.....	582 85
New York avenue, from Ninth to Fifteenth streets west.....	16,212 10
North Capitol street, from B north to New York avenue.....	63,745 39
North Carolina avenue.....	16,043 92
Ninth street east.....	8,479 75
New York avenue, from Seventh street west to North Capitol street.....	3,661 32
Ninth street west.....	1,230 79
Nineteenth street west.....	23,964 05
New Hampshire avenue.....	13,610 42
N street northwest.....	9,527 61
O street north.....	1,293 89
Pumps.....	12,555 23
P street northwest.....	2,275 13
Pennsylvania avenue, from Fifteenth street west to Rock Creek.....	34,598 57
Pennsylvania avenue east.....	4,560 45
P street bridge.....	3,632 00
Q street northwest.....	13,636 07
Rent of rooms for storage of tools.....	22 00
Removal of cobble-stone.....	108 00
Rhode Island avenue.....	6,088 41
Redfern street.....	247 27
R street northwest.....	3,229 00
Sewers, repairs of.....	8,692 46
Sweeping streets.....	7,314 54
Seventh street west, from B south to Potomac River.....	172,647 76
Sixteenth street west.....	187 50
Slash Run sewer.....	25,828 88
Sherman street.....	125 00
Seventeenth street west, from H street north to Potomac River.....	23,892 08
Seventeenth street west, from M street north, to Boundary.....	3,536 23
School street.....	1,114 51
Sea-wall, Sixth and P street, southwest.....	3,000 00
Sixteen-and-a-half street.....	48 75
Seventh street northeast.....	6,187 27
Scott square.....	6,643 30
Second street northwest.....	159 00
Second street southeast.....	1,016 00
Sixth street southeast.....	403 21
South Carolina avenue.....	497 57
South Capitol street.....	2,000 00
Small-pox Hospital.....	2,100 00
Second street northeast.....	1,328 83
Tenth street east.....	15,844 48
Twentieth street northwest.....	5,373 67
Twelfth street west, from F street north to Potomac River.....	25,082 03
Tiber Creek sewer.....	54,151 90
Tenth street southwest.....	240 93
Thirteenth street west.....	2,245 49
Third street west.....	20,006 69
Twenty-second street west.....	1,117 19
Tenth street northwest.....	1,755 30
Third street southeast.....	540 00

Twelfth street east	\$1,500 00
Twenty-fourth street northwest	5,954 97
Twelfth street northwest	2,898 33
Twenty-third street northwest	2,794 43
U street northwest	144 00
Vermont avenue	6,671 40
Virginia avenue southwest	4,138 50
V street north	651 75
Ward commissioners	1,540 00
Water-main, lowering, F street northwest	1,958 30
Water-main, laying	2,623 02
Washington street	3,594 73
Total amount	<u>1,480,313 68</u>

Estimate of the tax levy for the fiscal year ending June 30, 1873, to pay the expenses of the government of the District of Columbia, pay interest on and create a sinking-fund for its bonds, and of the debt of the late corporations.

Purpose of expenditure.	Amount.
For schools	\$400,000 00
For fire department	75,000 00
For police department	150,000 00
For salaries and contingent and incidental expenses of the District government	282,634 00
For interest and sinking-fund on the bonds of the District and of the late corporations of Washington and Georgetown	560,000 00
Total amount required	<u>1,467,634 00</u>

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington City, March 18, 1872.

The assessment for the fiscal year 1872-'73 being, in round numbers, \$90,000,000, as appears by the statement of the superintendent of assessments herewith, a tax for the year of \$1.70 on each \$100, being the same rate as that of the current year, will be more than sufficient; and it is believed that that rate will be sufficient for many years to come.

I have the honor to be, yours, very respectfully,

GEO. E. BAKER, *Comptroller.*

WASHINGTON, March 8, 1872.

SIR: In compliance with your request, asking information as to the assessed value of property in the District of Columbia upon real estate and personal property for 1871, I give below, as follows:

	Washington.	Georgetown.	County.
Value of ground	\$34,639,861	.....	.....
Value of improvements	27,781,470	.....	.....
Value of personal	9,000,997	.....	.....
Real estate .....	.....	\$6,036,434	\$6,500,000
Personal .....	.....	1,584,320	672,533
Total	71,422,328	7,620,754	7,172,533

RECAPITULATION.

Washington	\$71,422,328
Georgetown	7,620,754
County	7,172,533
Estimated value of new improvements	86,225,615
Total	<u>89,225,615</u>

WILLIAM MORGAN,
Clerk Corporation Assessments.

Major H. A. HALL, *Superintendent of Assessments, &c.*

OFFICE OF SUPERINTENDENT OF ASSESSMENTS OF TAXES,
March 9, 1872.

The foregoing exhibit is a correct transcript from the books of assessment in this office, with the exception of the estimated value of improvements under the assessment now being made.

H. A. HALL,
Superintendent of Assessments and Taxes.

WASHINGTON, D. C., March 23, 1872.

WILLIAM HENRY JONES sworn and examined.

By Mr. GREEN :

Question. State your official position.—Answer. Chief clerk in the office of the First Comptroller of the Treasury.

Q. Are the salaries of the members of the board of public works paid through your office?—A. They are paid through the Treasury Department, and the accounts go through our office before they are paid.

Q. Has Mr. S. P. Brown drawn any salary as a member of the board of public works?—A. No, sir.

Q. Why not?—A. It is always the custom to inquire whether a man is what is termed "clear of the books;" that is, whether anything is standing against him on the books of the Treasury. When we made out the salary accounts of the board of public works, the Second Comptroller informed us that there was a balance against Mr. Brown on the books of the Treasury amounting to \$47,000 or \$48,000, to the best of my recollection. Of course we could not pay him his salary.

Q. Were you also informed on what account that balance appeared against him?—A. No, except in this way, "S. P. Brown, late navy-agent."

By Mr. CHANDLER :

Q. Do you not know that that is the amount claimed by Mr. Brown as his commissions on purchases as navy-agent?—A. I do not know anything about it; all that we asked was whether he was clear of the books of the Treasury. I do not belong to the office in which his accounts appear.

WASHINGTON, D. C., March 23, 1872.

GEORGE F. GULICK sworn and examined.

The WITNESS. I notice by the newspapers that some testimony has been given here by Mr. Fowler, reflecting on me personally, as a man, and also as a member of the legislature. I come before you this morning desiring to make a personal explanation in regard to that evidence. Some time in the latter part of the month of September, I think, on my return to my office, I found Mr. Fowler's address lying on my table. I asked the young man what Mr. Fowler wanted. He said that he had been there two or three times to see me on business; that he was very anxious to see me, and had left word to know if I would not call at his house on F street. Some mornings after that, a gentleman coming by the office wanted me to go up town with him, and I told him I would do so. On our way up town I remarked that I would like to go by Mr. Fowler's house, as he wanted to see me on some business. I went to his house, but he was not in, and I went from that to his office, and he was not there either. I supposed that he wanted to see me on some business connected with a square of ground which I had bought from him and Mr. Young some seven months previously. He held my notes for some several thousand dollars, payable annually, and I supposed that it was in respect to that matter that he wanted to see me. I had made no note of it, and was not certain whether the interest was payable annually or semi-annually. I left a note on his desk that he could see me next morning between 8 and 10 o'clock. It is a universal practice with me, (as I am out nearly all the time,) if I make an engagement, to set some hour. On that morning he called at my office, and said to me, "I see by the newspapers that your committee has decided as regards the location of the market-house." I told him we had, and I gave him some little history of the meetings that we had had. We had originally met together and appointed two sub-committees, one in regard to the western and the other to the northern market. These sub-committees had made their reports, and some few days previous to that, square 515 had been adopted by the committee; and the sub-committee was continued with authority to call upon the district attorney to examine the title of that square. Mr. Fowler seemed to regret that that selection had been made; he

thought that the Corcoran square would have been better. Some time after that he called upon me again in relation to the same matter, and he went on to say, that when property was bought for the District, it would be very improper for any person to receive a fee from the parties owning the ground, because it would come directly from the tax-payers; but that where parties interested in an adjoining square saw proper to give any money, he thought there was no impropriety in their doing so, and no impropriety in men receiving some consideration for their time, &c. He prefaced his remarks in this way, and said: "We have had a little meeting up our way, and we can raise ten or twelve thousand dollars if we can get the site selected which we propose." He asked me if I thought there was any way to do it. He said: "I would not offer to mention money to you; but is there any way in which you think ten or twelve thousand dollars can be used to advantage?" I told him that I could not conceive of any way; that so far as I was concerned myself, nothing could induce me to change my vote; that I had visited the location, and was satisfied, in my judgment, that it was the best selection of the two, while I would have preferred another square to either of the two, but that square we could not get. He went away and came back some weeks after that again, and told me an incident in the history of some town, about a railroad company that had a track running along through a section of the country where they bought up considerable ground, and gave away every other lot, and by that means had built up quite a considerable town, and made it an important depot, thus improving their own property. "Now," he said, "I am anxious about the selection of this square up there; I own a lot on the northwest corner of that square, which I think is worth \$1 50 a foot, and I have been offered \$1 25 for it; I would like to sell it to you this morning, and I will sell it to you at any price you may name;" I do not now recollect the size of the lot; I should think it was probably in the neighborhood of 5,000 feet of ground. I told him no; that I was not buying property in that section of the city; and that, under the peculiar circumstances, at present I would buy no property in that section, except at public auction. He asked me if I would not say to the members of the joint committee, that one, or any, or all of them could have a lot of ground in that square, or in one or two other squares, in which he and his partner were interested, and have the deed made in their own name, or in the name of anybody they might suggest, without any consideration. I told him emphatically that I would not do so. He then asked me for a list of the names of the members of the committee. I first declined giving them; and I think I remarked to him that it was a matter of public record, and that he could find out their names by going to the legislative hall, but that if he particularly desired it, I would give him the names; and I did so. We had no further conversation bearing on that particular subject at that time. He went away. When Governor Cooke came back from Europe the subject was still more or less noticed in the papers, about reconsidering the action of the committee; some thought that the proper selection had been made, and some thought not. I went to the governor, knowing that he sympathized with the Corcoran square selection. I told him I could not vote for the Corcoran square for several reasons, two of which I would name to him. In the first place, I had visited the premises and had examined them very carefully, and had listened to what had been stated by parties interested, *pro* and *con*, and was satisfied that the Savage square was the proper selection. I said that another reason why I could not vote for the Corcoran square was, that I had indirectly, and almost directly, some very large offers made to me in connection with it, and that I had spoken of that fact to several persons, and therefore could not feel free to vote for the Corcoran square, lest there might be some suspicion attached to my action. He replied to me to use my own judgment, as a matter of course, in the matter. This was about the middle of November, I think, after the matter was brought up in the council. I saw Mr. Fowler twice afterward; he followed me nearly home two nights; we were detained in session sometimes after night; he begged me to make a promise to him that I would not say anything about the proposition which he had made to me; I told him I could not promise anything of the kind.

I have here a record of the action of the committee, which I will read:

"WASHINGTON, September 19, 1871.

"A meeting of the committees on markets of the council and house of delegates was held to-day at the executive office, Governor H. D. Cooke acting as chairman and G. F. Gulick secretary. * * * * *

"Governor Cooke presented a proposition from W. W. Corcoran, esq., offering square 446 for \$100,000, to be used for market purposes. The offer was declined, the location being too far north to remove the northern market.

"Messrs. Gulick, Carroll, and Dickson, the sub-committee appointed to select a site for northern market, &c., reported, favoring the purchase of square No. 515, containing 107,250 feet, which, with improvements, can be obtained for \$120,000. Report adopted; and the governor and sub-committee ordered to make the purchase. (See paper marked No. 3.)

"The sub-committees were authorized to have the titles to the accepted property, above mentioned, examined by the attorney for the District.

"Adjourned.

"GEO. F. GULICK."

I stated this conversation with Mr. Fowler to various persons ; but I did not speak of it to any member of the committee except Governor Cooke, who was, to some extent, a member of the committee. That is, so help me God, about as plain a statement of the facts of the case as I can possibly make.

By Mr. ELDRIDGE :

Question. Did you not tell Mr. Fowler that the other folks, meaning those interested in the other square, were bidding sharp, or high ?—Answer. No, sir.

Q. Did you not tell him that, in substance ?—A. No, sir.

Q. Did you not tell him that, if they did anything, they must do it quick, as the other side was active, or words to that effect ?—A. Nothing of the kind whatever.

Q. Did he not tell you that a certain square, in another part, could be bought, and that he could make some twelve or fifteen thousand dollars out of it, and that he was willing to share that with you ?—A. No, sir ; he came to me and said that Mr. Tyson would sell the square adjoining Mr. Corcoran's square for 60 cents a foot. What more he intended to say I do not know, for, just at that point, I interrupted him, saying that it had been offered to the committee at 50 cents a foot.

Q. Did he not tell you that there was property out of which he could make \$15,000, or some sum near to that, and that he was willing to share that with you ?—A. No, sir.

Q. Did you have any such conversation as that with him ?—A. No, sir ; not that I recollect ; I am certain of it, positive.

By the CHAIRMAN :

Q. In any of these interviews with Mr. Fowler, was there anything said on your part, directly or indirectly, by way of inducement, looking to your receiving money, or to anybody's receiving money on your account, or in connection with you in any way, except as you have stated here ?—A. Nothing.

Q. Any language whatever in that direction ?—A. There could not possibly have been any language of mine that I would receive anything in that connection, because I was, from the first, very decidedly in favor of the other square.

Q. And you still adhered to that view in all your conversations with him ?—A. I did, and I do yet. I contend that, if the title is correct, it is the square which ought to be selected. I do not think any man can be found who has heard from me one word in favor of the Corcoran square as a selection for the market site.

Q. In all these interviews, did you seek him ?—A. I never went after him but that once ; and that was before I knew what he wanted, and when I supposed it was in reference to a debt that I owed him. We had decided the selection, in committee, before he called to see me.

Q. And these subsequent interviews, when he followed you home, were always at his suggestion ?—A. Always.

Q. You never made any suggestion to meet him on the subject ?—A. Never.

By Mr. ELDRIDGE :

Q. Did you in any way give him to understand that money would be used if he would raise \$12,000 ?—A. Not in the slightest ; for I did not know any way in which it could be used.

Q. You did not tell him that the bidding was sharp on the other side ?—A. I did not.

Q. Nothing to that effect ?—A. Nothing to that effect.

Q. You are certain of that ?—A. Certain of it.

Q. Did you tell him that they were very active in their efforts, endeavoring to get the other square selected, or anything to that effect ?—A. I think not ; I do not think they showed any very great activity. In fact, at the time he came to see me, the matter was settled. It had been adopted by the committee, and the District attorney had been requested to prepare the title.

Q. Had the other side, to your knowledge, raised money for the purpose of influencing the location ?—A. Not in the slightest ; I do not know of a dollar having been raised for that purpose, and I never heard of any. I know that I spent \$5 in taking the committee around, and which I have never got back.

By the CHAIRMAN :

Q. Do you believe that there was a dollar used to influence the Savage square ?—A. I do not believe, so help me God, that there was one dollar used, and I had as much experience in the matter as any one member of the committee.

Q. You believe that it was the honest judgment of the committee to select that place, without regard to any ulterior consideration ?—A. I do.

By Mr. ELDRIDGE :

Q. Did Mr. Fowler tell you that they could not raise any money, but that they had plenty of land ?—A. No ; he did not say that he could not raise money ; he said to me that he would give ground instead of money if I would make the proposition to the committee. I told him emphatically that I would not do it.

Q. Did he come to you and tell you that they had made some endeavor to raise \$12,000, and that the effort was unsuccessful, and that he would give ground?—A. When he first mentioned money he said that they had raised some \$10,000 or \$12,000.

Q. That they had raised it, or that they could raise it?—A. He said that they had had a meeting and that they could raise \$10,000 or \$12,000.

Q. After that conversation, did he afterward come and tell you that they had tried to raise \$10,000 or \$12,000, but were unsuccessful, and that he would give ground?—A. No; he came afterward and mentioned this story about the railroad company, and the town they had built up. He made no allusion to the money transaction, because I had told him I would have nothing to do with it.

Q. Had you read Mr. Fowler's testimony?—A. Only in the newspapers.

Q. You had not seen it as written by our reporters?—A. No, sir. He then made the offer of the ground, wanting me to buy a piece of ground at whatever price I wished to mention.

By Mr. COOMBS;

Q. Are you acquainted with Mrs. Woodward, one of the Savage heirs?—A. Yes.

Q. Did you ever tell Mrs. Woodward that the Corcoran square party had offered a large sum of money to secure the selection of that square?—A. I may have done so.

Q. Did you tell her that they had offered \$20,000?—A. I do not recollect. I have told a dozen of persons that they were offering \$10,000 or \$12,000 in money, and were offering ground worth about \$20,000.

Q. Did you ever tell her that they had offered \$20,000?—A. I may have told her that they had offered to the value of \$20,000, because, from representations made to me, I supposed that it would cover more than that.

Q. What was your object in telling one of the Savage heirs what the other party was offering?—A. I made no discrimination; I told everybody with whom I got into conversation the same thing.

By the CHAIRMAN:

Q. You kept this conversation with Mr. Fowler no secret?—A. Not at all; I have spoken to many persons about it in my store, and I have told the governor about it, and my neighbors. I used to laugh and talk about what influence was used to get the Corcoran square selected.

By Mr. CHANDLER:

Q. What was the price of the Savage square?—A. \$120,000.

Q. To whom was the money to go?—A. To the owners of the property.

Q. What are their names?—A. Mrs. Woodward and Miss Savage, I understand.

Q. Was all that money to go to the owners of that property?—A. Yes.

Q. None of it was to be diverted for the purpose of influencing the selection of the square?

—A. Not a dollar, to my knowledge or suspicion.

WASHINGTON, March 23, 1872.

R. D. RUFFIN sworn and examined.

To Mr. GREEN:

I am a resident of the Howard University; I am a student there; I have been there three years, or thereabouts.

Question. Were you appointed time clerk on the section of the Seventh street road next to the university?—Answer. I was, about the 16th of August last.

Q. How far was the work advanced at that time?—A. The work had recently commenced.

Q. Who was the engineer and superintendent of the work?—A. Mr. Carpenter was the engineer and Mr. Gass was the superintendent at that time; afterward there were other superintendents appointed.

Q. Were they residents of the District?—A. Some were, and some were not.

Q. Did you hear the engineer and bosses state the purpose for which the road was being graded?

(Objected to, and objection sustained.)

Q. Did you have any conversation with Mr. Hall, of the house of delegates, as to your appointment?—A. I did.

Q. State what it was.—A. About the 1st of September we had a meeting at Mount Pleasant, at which I spoke after several other speakers had spoken. Mr. Hall was present. They opposed Mr. Hall's administration, and I also opposed it. As soon as I took my seat Mr. Hall drew his seat near me and said to me, "Mr. Ruffin, I am accused of making democratic appointments. You are one of my appointees, and if so, it is likely you may be a democrat. But I will tell you what I am going to do in the future. I am going to have all my appointees discharged who used their influence against me. I shall certainly try to take

care of my friends and not of those who are going to oppose me." That was about the 1st of September. About two weeks from that time we had a meeting of the Howard Club. This meeting was held for the purpose of sending a delegation to the board of public works to see that we had proper men appointed over us who would treat the colored laborers as the white laborers were treated, and who would treat the colored bosses as the white bosses were treated. I was one of the first delegation that was sent. I believe there were three of us at that time. We had an interview with Governor Cooke. A short while after that we had new appointments on the road—Mr. Thompson, of Maryland, and others—men who did not treat the laborers as we thought they should be treated. I opposed Mr. Thompson's treatment toward the people. Mr. Shepherd passed there a few days afterward and told Mr. Thompson that the next time he heard me open my head about politics or talk in the manner I was doing at that time, I was to be discharged. A few days after that I received a letter from Mr. Thompson notifying me that my services were no longer needed. Then we sent from my club a delegation of seven to the board of public works. There we had an opportunity of having an interview with the board. Mr. Shepherd then said he had ordered me to be discharged. Mr. Wall insisted upon my reappointment. Mr. Shepherd said that as soon as I repented and "brought forth fruit meet for repentance," then I could be reinstated. He said that I had been using my influence in a certain direction, and that I had to stop. When my time came to reply to his remarks I had but little to say, and that was that I had nothing to repent of; that I had only been using my influence for the interest of my people, and that I expected to do so, regardless of any position. Mr. Shepherd spoke again, he said that if I chose to acknowledge my wrong course which I had been pursuing I could then be reinstated. I have never repented, and I have never been reinstated. I do not expect to repent, and I do not expect to be reinstated.

Q. Do you know any occasion on which the superintendents or bosses on that work used intimidation toward the men to induce them to support Hall as against Wall?—A. I do know that, because the superintendents themselves were certainly canvassing for Mr. Hall; and that would show that they would certainly try to make such appointments as were in favor of Mr. Hall.

Q. I spoke of intimidation?—A. I cannot speak much about it of my own knowledge, because I was discharged; but I will tell you what occurred before I left the road. I knew Mr. John Gass, an old gentleman who was a particular friend of mine. He said to me before I was discharged, "Undoubtedly, Mr. Ruffin, all of you who do not use your influence for Mr. Hall will be the first men to be discharged from the works." At that time he was the superintendent of the Seventh street improvement.

Q. Do you know of any member of the board of public works using his influence to defeat Mr. Wall and to re-elect Mr. Hall?—A. I do not say that I know more than what I have stated just now. I know from what Mr. Shepherd said that he certainly had me discharged because I was using my influence for Mr. Wall instead of for Mr. Hall. That was what he wanted me to repent of.

By Mr. CHANDLER:

Q. Did he say that?—A. He told me that he wanted me to repent of the course I had been pursuing; and that was the only course I had been pursuing—using my influence for Mr. Wall. That was the only thing I saw that I had to repent of.

By the CHAIRMAN:

Q. And that you could not see clearly?—A. That I have not yet seen.

By Mr. GREEN:

Q. Do you know whether anything was done by Mr. S. P. Browne in regard to that matter?—A. I do not; not directly, that I can think of.

Q. Do you know who was furnishing stone for the work?—A. Yes; Mr. Hall and Mr. Browne.

Q. Mr. Hall himself?—A. Yes; Mr. Hall and his father-in-law, Mr. Lewis.

By Mr. CHANDLER:

Q. Where did you live before you came to Washington?—A. In Yorktown, Virginia.

Q. Since the enfranchisement of colored men, have you taken an active part in politics in Virginia?—A. I did.

Q. Did you hold any office there, or were you a candidate for any office?—A. No, sir.

Q. Have you canvassed that district as a speaker?—A. I have.

Q. And have been prominent as a politician in that State?—A. Yes, sir; prominent as something; I do not know whether as a politician or not.

Q. Did you take an active part in politics after you came here?—A. I did.

Q. What part in politics did you take after you came here?—A. I took a part here in favor of the republican party.

Q. Have you been in the habit of making speeches here?—A. Yes.

Q. Have you spoken a great deal?—A. Yes, in my way of speaking.

Q. How many popular meetings have you ever addressed in your life—several hundred?—A. I do not know; I have not kept a record of it.

Q. But you have spoken whenever you had an opportunity?—A. Not every time.

Q. When you are invited you speak?—A. When I think it is right and proper.

Q. Did you reside in the county where the road is constructed?—A. Yes, I am now a resident of the second district.

Q. At that time you were a resident of the District of Columbia?—A. Yes, and I am now.

Q. You took an active part in politics here?—A. I did.

Q. What work were you employed to do on the Seventh-street road?—A. I was time-keeper of the men.

Q. Did that prevent you from taking an interest in politics?—A. I did not take any part in politics during the day. I had night-time for that.

Q. You kept the time of the men during the day, and at night you attended political meetings?—A. Yes.

Q. Do you not think that your intense devotion to politics interfered with your usefulness as a laborer for the board?—A. No, sir; never.

Q. You think you rendered just as good service as if you had not been engrossed in politics?—A. Mr. Shepherd did not say that he found fault with any of my work, but only because of the influence I had been using.

Q. Was it because you had meddled too much in politics?—A. Not because I had meddled too much in politics. Mr. Shepherd said that when I repented and "brought forth fruit meet for repentance" I should be reinstated. At the time I had been using my influence for Mr. Wall.

Q. You are not stating what Mr. Shepherd said, but what you had been doing. What did Mr. Shepherd say that you had been doing which indicated to his mind that you had fallen from grace?—A. He said I had been using my political influence in a certain direction.

Q. What direction did he say?—A. I did not ask him. I thought it was thoroughly understood.

Q. You thought you understood it?—A. And I supposed he did.

Q. Can you state what Mr. Shepherd said, any more than you have done, that made him discharge you?—A. No, sir; nothing more than I have done.

Q. Was it not a fact that you were very active in politics, and made yourself officious and offensive, and were discharged for that reason?—A. No, sir.

Q. And that it impaired your usefulness as a time-keeper?—A. No, sir.

Q. And was not that substantially what Mr. Shepherd said to you?—A. No, sir.

Q. He did not say that he discharged you because you used your influence for Wall?—A. Not directly, but it was so understood.

Q. State one word which gave you the right to understand it so?—A. Because I had not used my influence for any one else but Mr. Wall. I had used it for Mr. Wall, and for him only.

Q. And you continued to use it for him?—A. Yes.

Q. And Mr. Wall continued to be a candidate, and was elected?—A. Yes, sir.

Q. In spite of all the supposed interference for Hall?—A. Yes.

Q. You say that you believe you were discharged because you used your influence in favor of Wall, and against Hall?—A. I do.

Q. And that it was not because you were officious and meddlesome, to the injury of your duties as a time-keeper?—A. Mr. Hall told me prior to that, that unless I did use my influence for him I would be discharged. That was about a month previously.

By Mr. ELDRIDGE:

Q. Were there other men on that work who agreed with you in doctrines which you talked?—A. Yes, sir; I judge that there were.

Q. How many?—A. The majority of them; because the man that I was in favor of was elected. I suppose that that settles the question.

Q. All who voted for him were not engaged upon the work, I suppose?—A. About all—nearly.

Q. How many were there there?—A. I have forgotten now how many we had employed.

Q. You kept the pay-roll?—A. Yes; I kept the time and made out the pay-roll. I think we had about three or four hundred, or thereabout.

Q. How many were discharged because they did not support Hall?—A. Just at the time I was discharged there were two others discharged.

Q. Who are they?—A. One was a colored man named S. J. R. Nelson, and the other a white man named Kelly.

Q. Was Kelly a speech-maker?—A. Not much; but he could run round the meetings and tell the men what to do.

Q. How was it about the colored man?—A. He was a kind of a stump-speaker like myself.

Q. How many more of these men were discharged?—A. When they found that the people began to see through the move so well, it seemed as if they thought it better not to discharge so many men.

Q. So they only discharged three men?—A. They discharged more after that time, but I do not say that it was on account of political influence.

Q. Was it before the election or after it?—A. Before the election.

Q. How many were discharged altogether?—A. Only three; and all of us were holding some official position.

Q. What was the white man's position?—A. He was foreman of a gang of some thirty or forty men, and so was the other colored man.

Q. You said that there were some others discharged after that; how long after?—A. I do not recollect; I do not think there was a great many discharged after that until after the election. There were some laborers discharged, but their names I cannot think of.

Q. Were they at work by the day?—A. Yes, sir. I know that men were discharged, but I do not know for what reason. I would not say that they were discharged because of political influence.

Q. These three men, you were satisfied, were discharged on account of politics?—A. Yes, sir.

Q. Do you know of any others who were discharged because of their political action?—A. No, sir; I do not know of any others.

Q. Were there any more discharged for political causes until after the election?—A. I do not recollect any others.

By Mr. CREBS:

Q. You say that after the election they were discharged?—A. Yes; they made a final drain then.

Q. How long after the election was over?—A. Two or three days, or not more than a week or two.

Q. How many were discharged then?—A. Two or three hundred, I believe.

Q. You said awhile ago that there were two or three hundred at work on the road; did you keep the list of all of their time?—A. I did; but I have forgotten their number.

By Mr. ELDRIDGE:

Q. When these men were discharged, did the work continue to go on?—A. They organized one or two squads—about thirty or forty—and worked them to Christmas.

Q. What time did these men commence work on the road?—A. I commenced on the 16th of August.

Q. How many men did they have at work then?—A. When I took charge, I think they had about a hundred-odd men. They had been at work there about a week.

Q. How fast did they increase the men?—A. Some weeks they would add on some fifty men, and other weeks not so many. They kept on till they got on the regular number.

Q. When did they fill up the three or four hundred?—A. Two or three hundred, or thereabout.

Q. I understood you to say three or four hundred; which number do you want to have taken down?—A. I want two or three hundred.

Q. When did they get that number filled up?—A. About the latter part of September or the 1st of October.

Q. Where did these men come from?—A. That I cannot tell you.

Q. Were they residents of the District?—A. Not all of them, because not half of the bosses were; I mean the men holding the official positions.

Q. Where did they live generally?—A. I know that some of the superintendents lived in Maryland, and some of the colored men lived in Maryland.

Q. Did any of those men who lived in Maryland vote?—A. I do not know; I suppose not.

Q. You did not vote any of them?—A. No, sir; I do not vote them; I only vote myself.

Q. Then your influence is not worth much?—A. I do not know whether or not. Mr. Shepherd thought it was.

Q. How many votes did you cast?—A. But one.

Q. About how many more did you make vote your way?—A. I do not think I made any.

Q. How many did you coax?—A. I do not know; I did not count them.

Q. Did you persuade any by your eloquence?—A. I tried to get as many as I could.

Q. Did you succeed in getting any?—A. I do not know.

Q. Do you not know of men voting in your district who were not residents of it?—A. I do not know.

Q. Do you not know of persons voting in the city who were not residents?—A. I do not know about voting in the city.

Q. Did you not attend any other election in the city?—A. The elections were all the same day; I could only attend to that one.

Q. Was there any election in the city any other time which you attended?—A. Yes.

Q. Did you vote any men then who did not belong here?—A. I did not vote in the city myself.

Q. You did not vote here till you were a citizen?—A. Certainly not.

Q. Are you simply a district politician, or are you a city politician?—A. I hardly know how to answer that question.

Q. Do you extend your influence beyond your district, or over the whole District of Columbia?—A. I tried to extend my influence everywhere that I can for the good of my people.

Q. And you do that by sticking to the republican party?—A. I do.

Q. Were you time-keeper for the whole road or only for a section?—A. For the whole road.

WASHINGTON, D. C., *March 23, 1872.*

THOMAS WELLS sworn and examined.

By Mr. GREEN :

Question. Where do you live?—Answer. At Mount Pleasant.

Q. Do you know of any intimidation before the last election in the second district to cause the voters to vote either one way or the other?—A. When I came on the Seventh street road to take charge of a lot of hands, I was given a little note by a gentlemen of Mount Pleasant, whom I took to be one of my friends. He presented it to me one morning, and wanted me to go down with it to Mr. Hall's; I did not know what was the reason; the suggestion to me was, that he wanted to get me a place which would pay me more money. I took the little note down there in an envelope, and presented it to Mr. Hall. Of course I did not see what was inside of it. Mr. Hall opened it and commenced to read it. Then, said he, "I have had this called to my mind some time ago, but sit down." He and I took a seat. Then he said, "The first thing I want to know of you, are you my friend?" I said, "Well, I have got nothing against you, and I am supposed to be as much your friend as anybody else's. I have nothing against you in the world." Said he, "That will not do; if you are a friend, you can have a place on the road; I have already suggested to Mr. Gass, some time ago, to give you a place on the road, but in the first place I want to know of you if you are my friend or not." "Why," said I, "I do not understand you, Mr. Hall." Said he, "Now, look here, there are a good many fellows who voted for me last election, and now they are hand in hand, and because I cannot give them permanent places, they are running around using their influence against me. If you want to know what I am talking about, they are using their influence against me because I cannot give them all permanent places." "O," said I, "Mr. Hall, I did not come here to talk about politics now." "Well," said he "if you are my friend you can have a place on the road." "O," said I, "I do not know anything about that, Mr. Hall, and if you do not want to give me a place on the road, I had work before I was sent here, and I can go back and work as I did before." "Well," said he, "some two or three have been talking to me about you, and I want to give you a place, and if you are my friend, that is all you have to say." Finally I had to come to the test, and tell Mr. Hall that I was his friend. Well, I knew I did not have anything else to tell him, for I knew I was not his enemy. After being on the road a little while, I think about two or three weeks, Mr. Hall came down the road, and another man with him by the name of Cornelius Johnson, if I am not mistaken. I was attending to my work on the road, and Mr. Hall beckoned his head to me. Johnson was standing on one side of the buggy and I on the other side, with my foot upon the step. Mr. Hall said to me, "What I want to see you about is, I heard that there is a set of fellows around here using their influence against me, and if that is the case, I will have them discharged from the road. I have the power to do it, and I will do it." I said, "As to that matter, Mr. Hall, you can discharge me now or at any time you have a mind to." "No," said he, "I am not talking about you, but about some of those fellows. If I can find one of those fellows using his influence against me, I will have him discharged from the road. I have the power to do it, and I will do it." I had made up my mind to go for Hall a second time, if he wanted to be re-elected; but then I began to feel that I had to go back on Mr. Hall, although I did not want to do it; it was not my wish to do it. A little while after that I heard of his sending orders by Mr. Carpenter, or some one else, that some one was to be discharged from the road, and I began to feel that Mr. Hall's fruit was growing up. I began to think to myself, what is the trouble. I did not think it very good in our representative. I did not think that I was going for a man who would take a knife and commence to cut our throats; that was the way I felt about it. I saw soon afterward that the thing was ripening, and I made up my mind that I should not like to have him for representative if that was the way he was going to do business. I felt convinced that a man who would work that way would not suit very well to represent the people; I did not go for him, and I did not work for any one to go for him.

Q. Did you see anybody giving out ballots for Mr. Hall, and for the loan; and at the same time giving money to the voters?—A. I did not; I heard of it, but I did not see it done myself.

Q. Did you hear or know of any of the overseers or members of the board of public works attempting to control the laborers in favor of Hall?—A. Of course a good many of them talked to me about it. They wanted me to go for Mr. Hall, and to influence my friends to go for Mr. Hall.

By Mr. CHIPMAN :

Q. A good many of whom?—A. Of Mr. Hall's friends. The overseers did not.

Q. Do you know whether the board of public works wanted Hall or Wall elected?—A. I do not know.

Q. Did any member of the board ever talk to you about it?—A. No, sir.

Q. What did you do with that \$3 you got?—A. I spent it.

Q. Did you spend it for food, or clothing, or something to drink?—A. I bought bread, and meat, and coal for it.

Q. You did not use it in the election?—A. No, sir.

Q. What did you do with the \$5?—A. I got some meat and bread with it.

Q. Did you get anything to drink with it?—A. No, sir; I do not drink.

Q. Did you drink with those fellows who got the 50 cents apiece?—A. No, sir.

By Mr. WILLIAMS :

Q. I understood you to say that all of your ninety-five men were dismissed except twenty-five?—A. Yes.

Q. Was that to reduce the force?—A. Some men were put on, but a new foreman was put on with them in my place. I picked the men out.

Q. Did you pick the men out who were to be discharged?—A. No; I picked out the men who were to be kept, and the balance were to be discharged.

By Mr. ELDRIDGE :

Q. Did you pick out those men who had voted for Hall?—A. No; I did not ask whom they voted for.

Q. You did not pay any attention to that?—A. No, sir.

Q. Did you use your influence to elect Mr. Wall?—A. No, sir; I do not believe that either Wall or Hall knew the day before the election which I was going for.

Q. Did you know yourself?—A. I did.

Q. Do you know yourself now whom you did vote for?—A. Indeed I do.

WASHINGTON, D. C., *March 23, 1872.*

S. J. R. NELSON sworn and examined.

By Mr. GREEN :

Question. Where do you live?—Answer. I live in the Howard University.

Q. Did you live there at the time of the last election?—A. Yes.

Q. Do you know of any intimidation or bribery having been used at the last election to control voters?—A. I cannot say that I know; I have thoughts in reference to it. They told me that I was discharged on that account; that is all I know about it. I went down to the board of public works, and asked what I was discharged for, and they said they did not know I was discharged. I went back to see Mr. Carpenter, and he said that Mr. Hall had had me discharged, and that he had an order to discharge me from the board of public works.

WASHINGTON, D. C., *March 23, 1872.*

JOSEPH H. VOORHEES sworn and examined.

By Mr. GREEN :

Question. Have you read Mr. Gass's testimony in this case?—Answer. No, sir, I did not; but I have heard of it.

Q. Do you know of any intimidation having been used to control voters at the last election?—A. I was time-keeper on the Seventh street improvement. I know that every morning previous to the election, when I would go on the road, a good many of the colored men would come to me and say that Mr. Hall had threatened to discharge them if they did not vote for him. That would be the cry every morning until just before the election. At a meeting held by our club at Fort Slocum, Mr. Hall being present, I preferred this charge against him. He said that he told these men he would discharge them if they did not vote "with us." I asked him whom he meant by "us," and he did not explain. There was no candidate in the field but Hall and Wall, and I supposed that he meant for himself. That was the way I took it. Mr. Simms, a colored man, a foreman on the road, was discharged, and he told Mr. Carpenter, in my presence, and in the presence of others, that he was discharged because he was a Wall man, and not a Hall man. He claimed that that was the reason of his being discharged.

Q. Did you see any bodies of laborers marched up to the polls by any one?—A. Yes; I marched up our club myself, and I had good reasons for doing it. I am president of the Fort Slocum Club, and have been since its organization. These colored people out there offered a resolution on the night before the election that no member of the club would

receive a ticket only from the president, the reason being that they should not be imposed upon. Furthermore, there was another resolution offered, that the members of the club would meet at the hall at an early hour and march in a body to the polls and vote, which was adopted. The morning of the election we marched down in a body. There was a grand rush made by the Hall men with tickets, but the members of the club would not receive them. I asked every member of the club whom he wanted to vote for, and I was very careful that they should vote for any man they wanted. I never tried to influence a man to vote against his opinion. I distributed the tickets along just as they asked for them, and I showed them the window to which they should go to deposit their ballots. Mr. Gass was present at the time. He says in his testimony that I threatened men with being discharged if they did not vote for Mr. Wall, which is perfectly false. There were between four hundred and five hundred laboring men on the road at that time, and he cannot find one man that he can bring before the committee to testify that I ever said a word of the kind.

Mr. CREBS. Gass did not say that you required them to vote for Wall, but to vote for the loan.

WITNESS. That is equally false.

Q. Did you have any anti-loan tickets?—A. I did not see any on the day of the election.

By Mr. ELDRIDGE:

Q. Whom did you vote for?—A. I worked for O. S. B. Wall; I did not vote.

Q. What did you mean by saying that you never tried to influence a voter?—A. I mean by intimidation.

Q. Did you distribute any votes that morning for Hall?—A. No, sir; for the reason that not a member of the club asked for any.

Q. Then, what do you mean by saying that you gave the ballots that they asked for?—A. They only asked for Wall tickets.

Q. Did you have any but Wall tickets?—A. Yes; there were plenty of other tickets there.

Q. Did you give out any tickets but Wall tickets?—A. Not one.

Q. Why did you march up these men in a body?—A. Only for convenience. We had some considerable distance to come, over a mile.

Q. Was not the main purpose to get them all to vote just as you wanted?—A. Not at all, sir; nothing of the kind.

Q. How many white men are in that club of yours?—A. Seven or eight.

Q. How many colored men?—A. Seventy-odd. There are eighty-six members all together, I believe.

Q. How many did you march up that morning to the polls?—A. I voted eighty-two men for O. S. B. Wall; just enough to give him eighty-two majority.

Q. Did all of your men vote for the loan?—A. Every man of them.

Q. Did you try to get any to vote against the loan?—A. Not one. I used my influence for the loan.

Q. What made you work for the loan?—A. Because I thought we needed improvements in the District.

Q. Was Wall in favor of the loan?—A. He was.

Q. There was no anti-loan candidate?—A. There was not.

Q. Was Hall in favor of the loan?—A. I do not know; it is hard to tell what he was in favor of.

Q. Do you say that the men all voted as they wanted to?—A. I can speak for no club but my own; I know that my club voted just as they wished. I was very particular never to try to influence any man to vote against his own opinion.

Q. Did you not try to change men's opinions?—A. Yes, by talking to them and explaining things. In that respect I did.

Q. You are a sort of leader among these men?—A. I am.

Q. You marched them up to the polls?—A. I have marched them twice to victory, and I expect to do it again.

Q. Not to vote the democratic ticket, do you?—A. Not much.

Q. You are not much of a democrat yourself?—A. No, I rather judge not.

Q. Have any of these men ever voted the democratic ticket?—A. Yes. We converted a few of those seven or eight white men.

Q. Who did it, you or the colored individuals?—A. I guess circumstances forced them to it.

Q. What kind of circumstances?—A. If they did not vote the republican ticket, they could not vote at all.

Q. Do you mean that you would not allow them to vote at all unless they voted the republican ticket?—A. No. They had no opportunity to vote for any but a republican. When Mr. Schwartz was running at the previous election they were on that side.

Q. What was the reason that they had no opportunity to vote the democratic ticket?—A. There was no democratic candidate.

Q. They had a chance to vote against the loan?—A. Yes.

Q. Do you know whether the board of public works wanted Hall or Wall elected?—A. I do not know.

Q. Did any member of the board ever talk to you about it?—A. No, sir.

Q. What did you do with that \$3 you got?—A. I spent it.

Q. Did you spend it for food, or clothing, or something to drink?—A. I bought bread, and meat, and coal for it.

Q. You did not use it in the election?—A. No, sir.

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By Mr. GREEN :

Question. Have you read Mr. Gass's testimony in this case?—Answer. No, sir, I did not; but I have heard of it.

Q. Do you know of any intimidation having been used to control voters at the last election?—A. I was time-keeper on the Seventh street improvement. I know that every morning previous to the election, when I would go on the road, a good many of the colored men would come to me and say that Mr. Hall had threatened to discharge them if they did not vote for him. That would be the cry every morning until just before the election. At a meeting held by our club at Fort Slocum, Mr. Hall being present, I preferred this charge against him. He said that he told these men he would discharge them if they did not vote "with us." I asked him whom he meant by "us," and he did not explain. There was no candidate in the field but Hall and Wall, and I supposed that he meant for himself. That was the way I took it. Mr. Simms, a colored man, a foreman on the road, was discharged, and he told Mr. Carpenter, in my presence, and in the presence of others, that he was discharged because he was a Wall man, and not a Hall man. He claimed that that was the reason of his being discharged.

Q. Did you see any bodies of laborers marched up to the polls by any one?—A. Yes; I marched up our club myself, and I had good reasons for doing it. I am president of the Fort Slocum Club, and have been since its organization. These colored people out there offered a resolution on the night before the election that no member of the club would

receive a ticket only from the president, the reason being that they should not be imposed upon. Furthermore, there was another resolution offered, that the members of the club would meet at the hall at an early hour and march in a body to the polls and vote, which was adopted. The morning of the election we marched down in a body. There was a grand rush made by the Hall men with tickets, but the members of the club would not receive them. I asked every member of the club whom he wanted to vote for, and I was very careful that they should vote for any man they wanted. I never tried to influence a man to vote against his opinion. I distributed the tickets along just as they asked for them, and I showed them the window to which they should go to deposit their ballots. Mr. Gass was present at the time. He says in his testimony that I threatened men with being discharged if they did not vote for Mr. Wall, which is perfectly false. There were between four hundred and five hundred laboring men on the road at that time, and he cannot find one man that he can bring before the committee to testify that I ever said a word of the kind.

Mr. CREBS. Gass did not say that you required them to vote for Wall, but to vote for the loan.

WITNESS. That is equally false.

Q. Did you have any anti-loan tickets?—A. I did not see any on the day of the election.

By Mr. ELDRIDGE:

Q. Whom did you vote for?—A. I worked for O. S. B. Wall; I did not vote.

Q. What did you mean by saying that you never tried to influence a voter?—A. I mean by intimidation.

Q. Did you distribute any votes that morning for Hall?—A. No, sir; for the reason that not a member of the club asked for any.

Q. Then, what do you mean by saying that you gave the ballots that they asked for?—A. They only asked for Wall tickets.

Q. Did you have any but Wall tickets?—A. Yes; there were plenty of other tickets there.

Q. Did you give out any tickets but Wall tickets?—A. Not one.

Q. Why did you march up these men in a body?—A. Only for convenience. We had some considerable distance to come, over a mile.

Q. Was not the main purpose to get them all to vote just as you wanted?—A. Not at all, sir; nothing of the kind.

Q. How many white men are in that club of yours?—A. Seven or eight.

Q. How many colored men?—A. Seventy-odd. There are eighty-six members all together, I believe.

Q. How many did you march up that morning to the polls?—A. I voted eighty-two men for O. S. B. Wall; just enough to give him eighty-two majority.

Q. Did all of your men vote for the loan?—A. Every man of them.

Q. Did you try to get any to vote against the loan?—A. Not one. I used my influence for the loan.

Q. What made you work for the loan?—A. Because I thought we needed improvements in the District.

Q. Was Wall in favor of the loan?—A. He was.

Q. There was no anti-loan candidate?—A. There was not.

Q. Was Hall in favor of the loan?—A. I do not know; it is hard to tell what he was in favor of.

Q. Do you say that the men all voted as they wanted to?—A. I can speak for no club but my own; I know that my club voted just as they wished. I was very particular never to try to influence any man to vote against his own opinion.

Q. Did you not try to change men's opinions?—A. Yes, by talking to them and explaining things. In that respect I did.

Q. You are a sort of leader among these men?—A. I am.

Q. You marched them up to the polls?—A. I have marched them twice to victory, and I expect to do it again.

Q. Not to vote the democratic ticket, do you?—A. Not much.

Q. You are not much of a democrat yourself?—A. No, I rather judge not.

Q. Have any of these men ever voted the democratic ticket?—A. Yes. We converted a few of those seven or eight white men.

Q. Who did it, you or the colored individuals?—A. I guess circumstances forced them to it.

Q. What kind of circumstances?—A. If they did not vote the republican ticket, they could not vote at all.

Q. Do you mean that you would not allow them to vote at all unless they voted the republican ticket?—A. No. They had no opportunity to vote for any but a republican. When Mr. Schwartz was running at the previous election they were on that side.

Q. What was the reason that they had no opportunity to vote the democratic ticket?—A. There was no democratic candidate.

Q. They had a chance to vote against the loan?—A. Yes.

Q. Were there any tickets against the loan?—A. I did not see any anti-loan tickets there.

Q. Is it your opinion that Mr. Hall's threats got him any more votes than he would have got if he had not threatened any?—A. My opinion is that he lost several votes by his threats.

Q. Then the election was not carried by the threats made by Hall?—A. I do not see how it could be carried by them when he was defeated. I know that when Carpenter handed me my discharge on election morning, it helped Wall considerably.

By Mr. CREBS:

Q. What did he tell you, when he gave you the discharge, as the reason for it?—A. I stepped up to Mr. Carpenter. I had been notified that morning, when I got down there, that Mr. Harry, a gentleman residing in Tennallytown, had stated, in his speech the night before, at Brightwood, that the reason of my discharge from the road (which was the first I knew of it) was because I was drunk and disorderly on the road. I stepped up to Mr. Carpenter, and asked him if he ever saw me drunk on the road. He put his hand in his pocket and handed me my discharge, and said: "That will explain all." I opened the envelope and read my discharge. I turned round then, and said that I thought it was pretty thin. The discharge was from the board of public works.

By the CHAIRMAN:

Q. What were the terms of the discharge?—A. I forget just exactly how it read, but Mr. Carpenter had stated, in the board of public works, that I did not get over the road but once a day, and that he thought it required a time-keeper to be with the men all the time. I had to keep the time of near five hundred men—four hundred and ninety-odd.

Q. The reason assigned was want of vigilance or attention to your duties?—A. It was stated in the discharge that I had only got over the road once a day, and that it was necessary that the time-keeper should be with the men all the time on the road.

By Mr. ELDRIDGE:

Q. Did you and Ruffin keep the time of the same men?—A. I took Mr. Ruffin's place. I went on there on the 29th of September and left on election day.

Q. Before you were appointed, were you called upon to define the candidate for whom you were going to vote?—A. No, sir; they were very careful not to ask anything of that kind.

Q. Through whom did you get your appointment?—A. Through Mr. Wall.

Q. Had you a written appointment?—A. I had.

Q. Whom was it signed by?—A. Alexander R. Shepherd.

Q. Whom was your discharge signed by?—A. Alexander R. Shepherd. I have it at home.

Q. Did the discharge state anything in reference to your incompetency?—A. Nothing more than that I did not get over the road more than once a day.

Q. The charge that you had been drunk was not there?—A. No, sir.

Q. By whom was that charge made?—A. By a gentleman from Tennallytown by the name of Joseph Harry. I went over, and Mr. Harry denied it entirely, and said he made no such charge at all.

Q. Do you know of any money being paid to carry the election there?—A. Nothing more than that I saw men that morning on the road who said that Mr. Lewis was standing in his yard handing out tickets for Hall, and handing out twenty-five cents with each ticket. Some of the men said that they had been there twice, and got two twenty-five cents, the old gentleman not remembering their faces.

By Mr. ELDRIDGE:

Q. Did you go down to get any money?—A. I had no occasion.

Q. Did any of your club do so?—A. I did not see any.

Q. Had you any money to use?—A. I had money, but I did not use it for electioneering purposes.

Q. Did you have money furnished you for election purposes?—A. Not a cent.

By Mr. CREBS:

Q. You say that your list had on it four or five hundred men?—A. At the time of the election, there were on that road nearly five hundred men.

Q. How long were they kept on after the election?—A. Very little. They commenced discharging them immediately after.

By Mr. ELDRIDGE:

Q. Do you know of any men voting who did not reside in the District?—A. No, sir.

Q. Were all the men employed there residents of the District?—A. No, sir; there were men from Maryland.

Q. Did any of them vote?—A. Not that I know of.

Q. How many of the men on your list were residents of the District?—A. A majority. I do not know of any man voting who was not a resident of the District.

Q. Were all those men who were marched up to the polls residents of the District?—A. Yes, sir.

Q. Do you know that fact?—A. I do; if not, I should not have let them vote.

Q. You are very conscientious in the matter?—A. I am, sir, very conscientious.

WASHINGTON, D. C., *March 23, 1872.*

JAMES FITZPATRICK recalled.

By Mr. GREEN:

Question. Have you any contract with the board of public works besides the one in which you are interested with Michael Shiner?—Answer. Yes, sir.

Q. Have you any partners in these contracts?—A. Yes, sir.

Q. Who are they?—A. James Walsh.

Q. Any other?—A. No, sir.

Q. The contract is given in your name, is it?—A. Yes, sir.

Q. Did you recently, in a lawsuit brought against you, testify that you did not own a contract?—A. I did.

Q. You stated then that you were only a time-keeper.—A. Where?

Q. Before Colonel Taite. For whom were you keeping time?—A. I don't know what you refer to.

Q. I have reference to the suit that was brought against you by some of your hands. If you did not own that contract, and were not responsible for the wages to the hands, who were the owners of it?—A. On my contract that I have I paid my hands and horses. What contract you are talking about I don't know.

Q. I have reference to the one you testified about. You know the men who sued you?—A. No man sued me.

Q. Is any member of the legislature directly or indirectly interested in your contract?—A. No, sir.

Q. Who is Mr. Walsh's partner?—A. I am.

Q. Has Mr. Walsh some other partners?—A. I do not know. Not in my contract.

Q. Who is Mr. Walsh's business partner?—A. I never asked him; all I know is about my own contract.

By Mr. CHANDLER:

Q. Has Mr. Cross any interest in any contract which you made, to your knowledge?—A. No, sir.

By Mr. STARKWEATHER:

Q. Has any member of the board of public works any interest in any matter or contract which you hold?—A. No, sir.

Q. Any member of the legislature?—A. No, sir.

Q. Anybody further than you have stated here?—A. No, sir.

Q. On what contract are you a time-keeper?—A. On my own; and no man or boy has sued me. I don't know what is referred to.

By Mr. ELDRIDGE:

Q. Are you and Shiner partners?—A. Not exactly partners. I am going to do his work for him, and will reap half the benefit.

Q. Is anybody else besides yourself interested in your half?—A. Yes, sir, Mr. Walsh.

Q. What part is he to have?—A. He is to have half of mine—a quarter of the whole.

Q. Are other persons interested in that part of his?—A. Not to my knowledge.

Q. Have you heard of any one who had any interest in it?—A. I cannot say.

Q. Has anybody any interest in your part beside yourself?—A. No, sir.

WASHINGTON, D. C., *March, 23, 1872.*

GEO. W. BEALL recalled.

By Mr. COOMBS:

Question. What is your occupation?—Answer. Superintendent of special assessment under the board of public works.

Q. Have you the regulation of the special assessment upon property for improvements?—A. Only so far as made by the engineer and the rate returned by him. I charge them after they are made by the engineer.

Q. To what extent are the property-holders charged for the sidewalks ; to the whole extent under the old law ?—A. I do not know, only from hearsay. It was understood under the old law that the property paid for the improvements ; all the assessments have been made to the amount of one-third of the costs upon the property where improvements are made.

Q. It was testified that here on North Capitol street they assessed the whole cost ?—A. No, sir ; only one-third. The entire cost of that street was \$9,691 14 ; the assessment returned to my office was \$3,230 38, one-third of the expense.

Q. Will you look at these bills against Mr. Alexander ?—A. I have nothing to do with that. They came from the comptroller's office.

Q. Then you do not mean to say that there are many improvements which are taxed the whole amount of the property—only that they are not assessed by the board of public works ?—A. That work was done under the old law by the former government of the District.

Q. Were the contracts under which that work was done let before the present government came into power ?—A. Yes, sir. The work has been done since. The old contracts were issued before.

Q. Will you state whether you know this to be an accurate copy of the act of the legislature passed February 21, 1871 ? (A portion of the act was read.)—A. I heard that there was such a law passed at the last session of the legislature.

Q. Can you explain how it is that citizens, in the face of that law, are being assessed the full amount for the improvements made in front of their property ?—A. I have understood, unofficially, that the board of public works did not consider that law specific enough so that they could undertake to accept of the work done under those contracts, and that they needed some additional legislation. I have understood that the whole matter is in abeyance, and that the collector will not advertise that property until the question is settled.

Q. Who makes out these bills ?—A. They are made out in the collector's office, separate and distinct from the board of public works.

Q. Don't you know that these contracts were all set aside, declared null and void, by the court, at the instance of the board of public works ?—A. I do not.

Q. I see around the city a great many yards made in front of the houses by posts and chains. Is that done under the board of public works ?—A. I do not know. None of that work has come to my office for assessment.

By Mr. ELDRIDGE :

Q. Is there any record or evidence to show a charge for laying a pavement on North Capitol street, and then taking that up and laying another pavement ?—A. There is no record of that kind in my office.

Q. Have you any knowledge of whether a pavement was laid in that street and then taken up ?—A. No, sir ; I have not.

Q. Do you assess anything except the frontage taxes ?—A. For all special improvements the tax is paid by the front foot ; that is the only tax I assess.

Q. What office do you hold ?—A. I am superintendent of special assessments.

Q. Who appointed you ?—A. The board of public works.

Q. Who signed your commission ?—A. I think it was signed by the secretary of the board. How I got the position I do not know.

Q. Where do you reside ?—A. In Georgetown.

Q. How long have you resided there ?—A. I was born there fifty-seven years ago the 17th of April next.

Q. I understand you to say you have nothing to do with any contracts made by the old authorities before this new government came into power ?—A. Nothing whatever.

Q. Have none of these contracts come under your supervision ?—A. Not any.

Q. Do you understand that they are to come ?—A. Only so far as this law passed at the last session of the legislative assembly looks to that.

Q. What is the defect in that law ?—A. I cannot say.

Q. In making these assessments are you under the direction of the board of public works, or do you make them on your own calculation and by your own judgment ?—A. The work is measured by the engineer and the rate per front foot fixed by the engineer, and by the measurement of the work they ascertain the entire cost.

Q. Then, if he measures the work and determines the tax upon each front foot, what are your duties ?—A. I make out the list on the line of improvement and the bills to be served on the parties.

Q. Do you collect these sums ?—A. Yes, sir.

Q. And where do you put the money ?—A. I pay it to the treasurer of the board of public works and take his receipt for it.

Q. Can you tell anything like the sum that you have collected of these parties ?—A. About \$23,000 on M street.

Q. What proportion of that which you are authorized to collect has been collected ?—A. About one-half.

Q. Why have you not collected the balance ?—A. There was some objection urged in some cases to the measurement of the work and they also objected on M street to paying for the

intersections of the streets on the whole line of the street. That question is still pending. Some have not paid on account of the want of means.

Q. Have you attempted to enforce the collection?—A. No, sir; I receive my orders from the board of public works.

Q. Is there a warrant issued to you?—A. Simply orders from the board of public works.

Q. What is your warrant for collection?—A. These assessments that I received from the board of public works are charged to me by the book-keeper of the board, in gross, and I have to account for them.

Q. What is your salary?—A. Twenty-five hundred dollars.

Q. Do you get any commission?—A. Not a cent.

Q. Have you any clerks?—A. There is an assistant appointed by the board.

Q. What is his pay?—A. I think \$1,800.

Q. Is it necessary for this work that you should have this assistant?—A. It may not be always necessary, but when the work comes in there will be more than myself and my assistant can do. The amount of collections made there will be probably nearly as great as the whole of the other taxes in the city government.

Q. Do you say that the special assessments will be nearly equal to the general taxation?—A. Yes, sir.

By Mr. CHIPMAN:

Q. Your assessment is only for one-third of the improvements?—A. Yes, sir; but the proportion of money assessed for the special improvements will be nearly as great as the general taxation, exclusive of that.

By Mr. COOMBS:

Q. How are these taxes to be collected if not paid?—A. If they are not paid at the end of thirty days, interest is charged at the rate of 10 per cent.

WASHINGTON, D. C., *March 23, 1872.*

WILLIAM SAUNDERS recalled.

By Mr. GREEN:

Question. Have you noticed the manner in which the sewers are being put down in Georgetown where you reside?—Answer. Yes, sir; I have noticed the work two or three times.

Q. Please describe it to the committee.—A. I suppose all know that the sewer down Beall street is very drainy, and some four years ago it was improved. I, myself, had to pay at that time \$60 for the improvements. Now the boss there told me that they were to raise it about 8 feet. I do not know much about the sewerage in any shape or form.

Q. Do you know whether the people in your neighborhood have suffered great inconvenience and damage by reason of filling up the streets by what has been done and is being done?—A. Yes, sir; it will be some expense. I think my friend Becket will suffer considerably by it. The street has been graded once before.

Q. Have not many of the small property-holders there expressed complaints that the taxes would be so heavy that they would not be able to pay them?—A. I do not know so much about that. I don't know what the expense will be; never took enough interest in it to inquire. I am one of the poor people myself.

WASHINGTON, D. C., *March 23, 1872.*

CLEMENT BECKET recalled.

By Mr. GREEN:

Question. Have you and the people of your neighborhood suffered much inconvenience and damage to property in consequence of the work being done on the streets in Georgetown?—Answer. Not yet; they will, according to what I understand. There is now a healthy drainage on our street. Within the last three years we have had the street graded, and some of my neighbors have not yet got through paying for the improvements that have been made there before.

Q. How will it be with the small property-holders in paying the new taxes?—A. I heard some of them say they will not be able to pay them.

Q. Are they generally poor persons on that street?—A. Yes, sir; I do not think there are more than two persons on the street who are anyways wealthy at all.

By Mr. CHANDLER:

Q. The trouble anticipated is from the raising of the grade of the street?—A. Yes, sir.

Q. How much is it to be raised?—A. I understand 8 feet.

Q. Who told you?—A. The boss who is digging the sewer. I suppose he would know.

Q. All the knowledge you have, then, is what you heard them say?—A. Yes, sir; but I know they have got to raise it some anyhow. Mr. Collins told me that it was going to be 8 feet higher than it is now.

WASHINGTON, D. C., *March 23, 1872.*

HENRY HIMBER recalled.

By Mr. COOMBS:

Question. Do you know when the cutting down of the streets west of the Navy Department was commenced—that is to say, G street, Seventeenth, Eighteenth, and Nineteenth streets?—Answer. I commenced on Seventeenth street in the latter part of August; on G street I commenced afterward.

Q. Do you know at what time they commenced the work of cutting down Nineteenth street?—A. I do not know. Within a month or so.

Q. Had it not been cut down some time before you commenced on Seventeenth street?—A. No, sir.

Q. Did you have the job of grading G street?—A. I did.

Q. When did you commence that?—A. About the 18th or 19th of September.

WASHINGTON, D. C., *March 23, 1872.*

HENRY LARMAN recalled.

By Mr. COOMBS:

Question. What is your occupation?—Answer. Inspector of the water-mains of the District.

Q. Do you know when the work was commenced on Seventeenth, Eighteenth, and Nineteenth streets and G street?—A. I don't know. I think they commenced on G street about the 1st of September.

Q. What time did you lay the water-mains on G street?—A. I didn't lay any water-mains there. I lowered the water-mains and commenced about the 1st of September.

Q. Did you tell Mr. Crane that you commenced in July?—A. I told Mr. Crane some days ago I thought it was in July, but, on looking over my memorandum-book, I found it was September.

WASHINGTON, D. C., *March 23, 1872.*

MICHAEL SHINER recalled.

By Mr. GREEN:

Question. Where do you live?—Answer. In what is called the old Sixth ward.

Q. What is your occupation?—A. I am a laboring man in the paint-shop in the Washington navy-yard.

Q. Have you any contract with the board of public works?—A. Yes, sir.

Q. What is it?—A. Grading of Eleventh street northwest from Pennsylvania avenue to H street.

Q. Have you been a contractor before?—A. Never.

Q. By whose influence did you succeed in getting this contract?—A. No influence at all. I asked for it and it was given to me by the board of public works.

Q. Are you doing the work now?—A. No, sir, I am not now; the weather has been so bad that we could not work there.

Q. Have you been doing the work at all?—A. Yes, sir; I commenced on the 5th of October.

Q. Did you do the work yourself or transfer the contract?—A. I got a gentleman to work it out for me.

Q. Who was he?—A. Mr. James Fitzpatrick.

Q. You got the contract on your own merits entirely?—A. Yes, sir.

Q. Did you pay for it?—A. I made application the same as the others and these gentlemen gave it to me.

Q. Did you make any deposit for the performance of that contract?—A. I gave bond.

Q. Did you deposit \$1,000 when you made your bid?—A. I made the application the same as other bidders to the board of public works and it was given out to the lowest bidder. This was given to me without anybody's being bought and sold.

Q. You still own the contract?—A. I still own it.

By Mr. CHIPMAN :

Q. You took the contract at the board of public works' prices, after the bids had been opened which other persons had put in ?—A. Yes, sir.

Q. You were not one of the original contractors ?—A. No, sir.

By Mr. ELDRIDGE :

Q. Have you that contract here ?—A. Yes, sir. [The contract was exhibited.]

Q. Did you give Fitzpatrick any *bonus* ?—A. No, sir ; nor bread neither.

Q. You took him in as a partner ?—A. Yes, sir.

Q. Have you been engaged in the public work before this ?—A. Yes ; I am working for them every day ; working for the Government.

Q. By contract ?—A. O, no ; not at all.

Q. How do you work for the General Government ?—A. By the day. I have a small sum. I get \$1 50 a day.

Q. Your contract with Fitzpatrick is not filled up in all places ?—A. It is filled up as far as I want it, sir.

Q. How is this work, or this job that you have taken, to be done ? Is it to be done in the same way the contractors would do it ?—A. It is to be done satisfactory to the board of public works. If it is not done so, of course we don't receive any compensation for it.

Q. Have you any very intimate relations with the board of public works ?—A. I have known Mr. Cross's father before he was born ; I knew Alex. Shepherd, and his father before him.

Q. Was his father an honest man ?—A. Certainly he was.

Q. Do you think Alex. Shepherd an honest man ?—A. I think he is as much a gentleman as any in the city of Washington.

Q. Do you think he is as honest as he was before he became a member of the board of public works ?—A. Just as honest. Every person is not a Judas who has the handling of public money.

By Mr. CHANDLER :

Q. Have you received any money under this contract ?—A. Yes, sir.

Q. How much ?—A. One thousand dollars. It has gone to pay expenses.

Q. Have there been any profits so far ?—A. No, sir.

Q. What proportion of the work has been done ?—A. About two squares have been done.

By Mr. ELDRIDGE :

Q. Did you pay the board of public works any money in order to get this contract ?—A. I did not ; no man can buy me.

Q. But the question is whether you have not bought the board of public works ?—A. Not at all.

WASHINGTON, D. C., March 23, 1872.

WILLIAM H. SLATER duly sworn and examined.

By Mr. GREEN :

Question. What is your occupation ?—Answer. I am collector of the District.

Q. Who is the treasurer of the Republican Association ?—A. I was elected.

Q. Have you had any funds placed in your hands as such treasurer for use at the last election ?—A. No, sir.

Q. Was Hallett Kilbourn your deputy ?—A. No, sir.

Q. Do you know why the money was placed in his hands instead of yours ?—A. I do not ; I did not know that any money was placed in his hands until I saw it so stated in the papers.

WASHINGTON, D. C., March 23, 1872.

O. S. B. WALL duly affirmed and examined.

By Mr. GREEN :

Question. Are you the same Mr. Wall who ran against Mr. Hall at the last election ?—Answer. Yes, sir.

Q. Did you receive any money to aid in your election from the republican club or Mr. Hallett Kilbourn, their treasurer ?—A. No, sir ; not a cent.

Q. What are your politics ?—A. I suppose I am a republican, to the best of my knowledge.

By Mr. ELDRIDGE :

Q. Were you in favor of the loan ?—A. Yes, sir.

Q. So declared before the election?—A. O, yes, sir; on a number of occasions.

Q. How was it with Mr. Hall?—A. I think Hall was; I do not know.

Q. Were the board of public works against your election?—A. I do not know that they were.

Q. Was this opposition made to you by Hall personal, or was it by the influence of the board of public works?—A. It was his own. He seems to be a lover of office; rather restless and fidgety about the matter; and this seems to have grown out of his anxiety to supersede somebody in office.

Q. Were nominations made before the election?—A. Yes, sir.

Q. Who was the regular nominee?—A. According to our understanding, I was.

Q. How were you nominated?—A. By delegates in a delegate convention, representing the various clubs, in a ratio of one for each ten members of the club. This matter was discussed by the central committee of the District and then at our smaller sub-districts; and it was agreed that should be the *modus operandi* for that year.

Q. This referred to the primary election?—A. That is where they go through the regular voting of the masses, to see who shall be the nominee.

Q. Like a caucus?—A. No, sir; they simply go through with voting, just as they do by law, each man indicating whom he prefers. That is done to determine who shall run.

Q. Did you have a primary election?—A. They had one and they found that we beat them. We had seven clubs, and I had six out of the seven in my favor.

Q. Is Hall a member of a club?—A. I don't know, sir; he pops around. He is a nice little man, but a little on the nervous.

By Mr. GREEN:

Q. Did you have a conversation with S. P. Browne in regard to the election?—A. Nothing special. We had a little set-to; but we made it up. He said some things that he had a right to say as a citizen; and I said some things that I should not if I had not been a little warmed up.

By Mr. ELDRIDGE:

Q. Did you have any money?—A. I do not know of any; I think not. We had God and the people with us.

Q. I wish to know if you had to fight the board of public works?—A. They are perfect gentlemen; they always treated me well.

Q. Do you think God was in favor of the board of public works?—A. I rather think with His knowledge of the state of things in this old District, He was in favor of improving it. And that seemed to be the most feasible way; so I don't think He would have any objection to them in view of what they are doing for improvement.

Q. Do you know anything about the effort employed on the Seventh street road immediately before the election?—A. I do not know much about it.

Q. Did you circulate around among the men there?—A. I did not; it was disgusting to me, the whole thing. I begged my friends not to introduce me. I did not want to be among the men, because it would seem that I was trying to influence them.

Q. Did not you seek the election?—A. No, sir, I did not.

Q. The people sought you?—A. Well, sir, that seems to be the fact.

Q. Did you hold any meetings?—A. No, sir; I did not go to one.

Q. Did you make any speeches?—A. I did go out to the Soldiers' Home, where they were all white men, the old soldiers. I went up because they urged me and because there were no colored men, and they could not say I was trying to influence them.

Q. Whose claims did you advocate?—A. Not any one particularly; my remarks bore a little Wall-wise. I talked about their lives and their loyalty to the Government, and that I thought they ought to be properly appreciated.

Q. Were you a soldier?—A. Yes, sir, I got a commission toward the end of the war, which was a very uncommon thing for a colored man; a commission as captain.

Q. Did you serve as captain?—A. I was ordered to report to General Saxton.

By Mr. GREEN:

Q. Did S. P. Browne express any desire to have you retire from the canvass?—A. I don't think he did. I understood he was rather favorable to Hall; and I rather thought he had a right to be. I don't think any the less of a man who don't think much of me. If they knew as much of me as I do, I could not blame them for not voting for me.

By Mr. ELDRIDGE:

Q. Was that the reason you did not make any speeches, so that the people should not know you as well as you knew yourself?—A. Not so much that as my inability to make a speech.

By Mr. GREEN:

Q. What did Governor Cooke say when you called on him?—A. He seemed to wish there should be no cause of division. He would like to have us settle it in some way, and that some one should withdraw. The only difference with me was, who should withdraw.

By Mr. ELDRIDGE:

Q. Is your district republican?—A. Yes, sir; we had about 80 majority the last time. We have had over 200.

Q. Did a large number of men who were at work on the Seventh street road vote in your district?—A. I don't think they did. I don't think anything was done worse than was done by Hall; and had I been a disinterested outsider I should have proceeded against him.

Q. That was give 25 cents to the voters?—A. Yes, and many other things. I think it is almost an unpardonable sin to do what that man did among these people.

Q. Do you think this advanced the vote of Hall?—A. I think not; I think it was a back-action affair.

Q. Was it your opinion that the board of public works put more men on the Seventh street road about the time of the election for the purpose of influencing the election?—A. I had no reason to think so. I am satisfied that the gentlemen composing the board like me better at present than they do Hall.

Q. Did they tell you so when you were running for office?—A. I cannot say.

By Mr. CHIPMAN:

Q. Had not you reason to believe that the board was friendly to you?—A. Yes, sir.

Q. Did you have any reason to doubt it?—A. No, sir.

By Mr. ELDRIDGE:

Q. If the board were not hostile to you what motive could they have had for putting that large number of men on Seventh street?—A. I think it was only for the improvement, and the amount of work required, that that number of men was employed.

Q. That is your belief?—A. Yes, sir.

By Mr. CREBS:

Q. Did not all who voted for you and Mr. Hall vote for the loan?—A. I think so.

By Mr. STARKWEATHER:

Q. They would have no reason to place these men there to influence the loan?—A. No, sir. The board had reason to think the people would sustain them; they had no reason to think differently in our district.

By Mr. ELDRIDGE:

Q. Suppose these men were not employed on the road; would they have been as likely to vote for the loan?—A. I think so. I think the masses of voters in the District have not much notion or opinion about it, and are acted upon as men are generally, by those who would give them labor and work, or its equivalent; they would go for them without thinking of the benefit to the District, or any higher considerations.

Q. You suppose that was the ruling motive?—A. I suppose that was, somewhat.

By Mr. CHIPMAN:

Q. You have spoken of the masses, who are not interested, except as they look out for some benefit to themselves. Will you give the idea of the more intelligent people, who have property and are residents here for a long time?—A. I believe that since the wide-awake element from the North and West has been infused into this community a very great change has taken place in favor of improvement of this capital, to such an extent that it will be a desirable place of residence.

Q. Then you believe that the masses of voters, in voting as they did, executed the will of the intelligent portion of the people?—A. Certainly. If I dissented from that at all it would be only in reference to some particular locality and particular classes of persons.

By Mr. ELDRIDGE:

Q. What, in your opinion, would be the result if this question were again submitted to the people, especially among the colored property-holders?—A. I think it would be decidedly indorsed.

By Mr. COOMBS:

Q. Do you know how many votes were cast for the loan?—A. No, sir.

Q. Do you know whether half as many were cast for it as were registered at the spring election?—A. I think so. I was glad to find the loan was sustained by about 13,000 majority.

By Mr. CREBS:

Q. You have said that you believe the board of public works liked you better than Mr. Hall?—A. Personally.

Q. Then, why did they favor Hall rather than yourself?—A. I do not think they did personally. They said to me they had no preference, and they did not wish to enter into any

care of my friends and not of those who are going to oppose me." That was about the 1st of September. About two weeks from that time we had a meeting of the Howard Club. This meeting was held for the purpose of sending a delegation to the board of public works to see that we had proper men appointed over us who would treat the colored laborers as the white laborers were treated, and who would treat the colored bosses as the white bosses were treated. I was one of the first delegation that was sent. I believe there were three of us at that time. We had an interview with Governor Cooke. A short while after that we had new appointments on the road—Mr. Thompson, of Maryland, and others—men who did not treat the laborers as we thought they should be treated. I opposed Mr. Thompson's treatment toward the people. Mr. Shepherd passed there a few days afterward and told Mr. Thompson that the next time he heard me open my head about politics or talk in the manner I was doing at that time, I was to be discharged. A few days after that I received a letter from Mr. Thompson notifying me that my services were no longer needed. Then we sent from my club a delegation of seven to the board of public works. There we had an opportunity of having an interview with the board. Mr. Shepherd then said he had ordered me to be discharged. Mr. Wall insisted upon my reappointment. Mr. Shepherd said that as soon as I repented and "brought forth fruit meet for repentance," then I could be reinstated. He said that I had been using my influence in a certain direction, and that I had to stop. When my time came to reply to his remarks I had but little to say, and that was that I had nothing to repent of; that I had only been using my influence for the interest of my people, and that I expected to do so, regardless of any position. Mr. Shepherd spoke again, he said that if I chose to acknowledge my wrong course which I had been pursuing I could then be reinstated. I have never repented, and I have never been reinstated. I do not expect to repent, and I do not expect to be reinstated.

Q. Do you know any occasion on which the superintendents or bosses on that work used intimidation toward the men to induce them to support Hall as against Wall?—A. I do know that, because the superintendents themselves were certainly canvassing for Mr. Hall; and that would show that they would certainly try to make such appointments as were in favor of Mr. Hall.

Q. I spoke of intimidation?—A. I cannot speak much about it of my own knowledge, because I was discharged; but I will tell you what occurred before I left the road. I knew Mr. John Gass, an old gentleman who was a particular friend of mine. He said to me before I was discharged, "Undoubtedly, Mr. Ruffin, all of you who do not use your influence for Mr. Hall will be the first men to be discharged from the works." At that time he was the superintendent of the Seventh street improvement.

Q. Do you know of any member of the board of public works using his influence to defeat Mr. Wall and to re-elect Mr. Hall?—A. I do not say that I know more than what I have stated just now. I know from what Mr. Shepherd said that he certainly had me discharged because I was using my influence for Mr. Wall instead of for Mr. Hall. That was what he wanted me to repent of.

By Mr. CHANDLER:

Q. Did he say that?—A. He told me that he wanted me to repent of the course I had been pursuing; and that was the only course I had been pursuing—using my influence for Mr. Wall. That was the only thing I saw that I had to repent of.

By the CHAIRMAN:

Q. And that you could not see clearly?—A. That I have not yet seen.

By Mr. GREEN:

Q. Do you know whether anything was done by Mr. S. P. Browne in regard to that matter?—A. I do not; not directly, that I can think of.

Q. Do you know who was furnishing stone for the work?—A. Yes; Mr. Hall and Mr. Browne.

Q. Mr. Hall himself?—A. Yes; Mr. Hall and his father-in-law, Mr. Lewis.

By Mr. CHANDLER:

Q. Where did you live before you came to Washington?—A. In Yorktown, Virginia.

Q. Since the enfranchisement of colored men, have you taken an active part in politics in Virginia?—A. I did.

Q. Did you hold any office there, or were you a candidate for any office?—A. No, sir.

Q. Have you canvassed that district as a speaker?—A. I have.

Q. And have been prominent as a politician in that State?—A. Yes, sir; prominent as something; I do not know whether as a politician or not.

Q. Did you take an active part in politics after you came here?—A. I did.

Q. What part in politics did you take after you came here?—A. I took a part here in favor of the republican party.

Q. Have you been in the habit of making speeches here?—A. Yes.

Q. Have you spoken a great deal?—A. Yes, in my way of speaking.

Q. How many popular meetings have you ever addressed in your life—several hundred?—A. I do not know; I have not kept a record of it.

Q. But you have spoken whenever you had an opportunity?—A. Not every time.

Q. When you are invited you speak?—A. When I think it is right and proper.

Q. Did you reside in the county where the road is constructed?—A. Yes, I am now a resident of the second district.

Q. At that time you were a resident of the District of Columbia?—A. Yes, and I am now.

Q. You took an active part in politics here?—A. I did.

Q. What work were you employed to do on the Seventh-street road?—A. I was time-keeper of the men.

Q. Did that prevent you from taking an interest in politics?—A. I did not take any part in politics during the day. I had night-time for that.

Q. You kept the time of the men during the day, and at night you attended political meetings?—A. Yes.

Q. Do you not think that your intense devotion to politics interfered with your usefulness as a laborer for the board?—A. No, sir; never.

Q. You think you rendered just as good service as if you had not been engrossed in politics?—A. Mr. Shepherd did not say that he found fault with any of my work, but only because of the influence I had been using.

Q. Was it because you had meddled too much in politics?—A. Not because I had meddled too much in politics. Mr. Shepherd said that when I repented and "brought forth fruit meet for repentance" I should be reinstated. At the time I had been using my influence for Mr. Wall.

Q. You are not stating what Mr. Shepherd said, but what you had been doing. What did Mr. Shepherd say that you had been doing which indicated to his mind that you had fallen from grace?—A. He said I had been using my political influence in a certain direction.

Q. What direction did he say?—A. I did not ask him. I thought it was thoroughly understood.

Q. You thought you understood it?—A. And I supposed he did.

Q. Can you state what Mr. Shepherd said, any more than you have done, that made him discharge you?—A. No, sir; nothing more than I have done.

Q. Was it not a fact that you were very active in politics, and made yourself officious and offensive, and were discharged for that reason?—A. No, sir.

Q. And that it impaired your usefulness as a time-keeper?—A. No, sir.

Q. And was not that substantially what Mr. Shepherd said to you?—A. No, sir.

Q. He did not say that he discharged you because you used your influence for Wall?—A. Not directly, but it was so understood.

Q. State one word which gave you the right to understand it so?—A. Because I had not used my influence for any one else but Mr. Wall. I had used it for Mr. Wall, and for him only.

Q. And you continued to use it for him?—A. Yes.

Q. And Mr. Wall continued to be a candidate, and was elected?—A. Yes, sir.

Q. In spite of all the supposed interference for Hall?—A. Yes.

Q. You say that you believe you were discharged because you used your influence in favor of Wall, and against Hall?—A. I do.

Q. And that it was not because you were officious and meddlesome, to the injury of your duties as a time-keeper?—A. Mr. Hall told me prior to that, that unless I did use my influence for him I would be discharged. That was about a month previously.

By Mr. ELDRIDGE:

Q. Were there other men on that work who agreed with you in doctrines which you talked?—A. Yes, sir; I judge that there were.

Q. How many?—A. The majority of them; because the man that I was in favor of was elected. I suppose that that settles the question.

Q. All who voted for him were not engaged upon the work, I suppose?—A. About all—nearly.

Q. How many were there there?—A. I have forgotten now how many we had employed.

Q. You kept the pay-roll?—A. Yes; I kept the time and made out the pay-roll. I think we had about three or four hundred, or thereabout.

Q. How many were discharged because they did not support Hall?—A. Just at the time I was discharged there were two others discharged.

Q. Who are they?—A. One was a colored man named S. J. R. Nelson, and the other a white man named Kelly.

Q. Was Kelly a speech-maker?—A. Not much; but he could run round the meetings and tell the men what to do.

Q. How was it about the colored man?—A. He was a kind of a stump-speaker like myself.

Q. How many more of these men were discharged?—A. When they found that the people began to see through the move so well, it seemed as if they thought it better not to discharge so many men.

Q. So they only discharged three men?—A. They discharged more after that time, but I do not say that it was on account of political influence.

Q. Was it before the election or after it?—A. Before the election.

Q. How many were discharged altogether?—A. Only three; and all of us were holding some official position.

Q. What was the white man's position?—A. He was foreman of a gang of some thirty or forty men, and so was the other colored man.

Q. You said that there were some others discharged after that; how long after?—A. I do not recollect; I do not think there was a great many discharged after that until after the election. There were some laborers discharged, but their names I cannot think of.

Q. Were they at work by the day?—A. Yes, sir. I know that men were discharged, but I do not know for what reason. I would not say that they were discharged because of political influence.

Q. These three men, you were satisfied, were discharged on account of politics?—A. Yes, sir.

Q. Do you know of any others who were discharged because of their political action?—A. No, sir; I do not know of any others.

Q. Were there any more discharged for political causes until after the election?—A. I do not recollect any others.

By Mr. CREBS:

Q. You say that after the election they were discharged?—A. Yes; they made a final drain then.

Q. How long after the election was over?—A. Two or three days, or not more than a week or two.

Q. How many were discharged then?—A. Two or three hundred, I believe.

Q. You said awhile ago that there were two or three hundred at work on the road; did you keep the list of all of their time?—A. I did; but I have forgotten their number.

By Mr. ELDRIDGE:

Q. When these men were discharged, did the work continue to go on?—A. They organized one or two squads—about thirty or forty—and worked them to Christmas.

Q. What time did these men commence work on the road?—A. I commenced on the 16th of August.

Q. How many men did they have at work then?—A. When I took charge, I think they had about a hundred-odd men. They had been at work there about a week.

Q. How fast did they increase the men?—A. Some weeks they would add on some fifty men, and other weeks not so many. They kept on till they got on the regular number.

Q. When did they fill up the three or four hundred?—A. Two or three hundred, or thereabout.

Q. I understood you to say three or four hundred; which number do you want to have taken down?—A. I want two or three hundred.

Q. When did they get that number filled up?—A. About the latter part of September or the 1st of October.

Q. Where did these men come from?—A. That I cannot tell you.

Q. Were they residents of the District?—A. Not all of them, because not half of the bosses were; I mean the men holding the official positions.

Q. Where did they live generally?—A. I know that some of the superintendents lived in Maryland, and some of the colored men lived in Maryland.

Q. Did any of those men who lived in Maryland vote?—A. I do not know; I suppose not.

Q. You did not vote any of them?—A. No, sir; I do not vote them; I only vote myself.

Q. Then your influence is not worth much?—A. I do not know whether or not. Mr. Shepherd thought it was.

Q. How many votes did you cast?—A. But one.

Q. About how many more did you make vote your way?—A. I do not think I made any.

Q. How many did you coax?—A. I do not know; I did not count them.

Q. Did you persuade any by your eloquence?—A. I tried to get as many as I could.

Q. Did you succeed in getting any?—A. I do not know.

Q. Do you not know of men voting in your district who were not residents of it?—A. I do not know.

Q. Do you not know of persons voting in the city who were not residents?—A. I do not know about voting in the city.

Q. Did you not attend any other election in the city?—A. The elections were all the same day; I could only attend to that one.

Q. Was there any election in the city any other time which you attended?—A. Yes.

Q. Did you vote any men then who did not belong here?—A. I did not vote in the city myself.

Q. You did not vote here till you were a citizen?—A. Certainly not.

Q. Are you simply a district politician, or are you a city politician?—A. I hardly know how to answer that question.

Q. Do you extend your influence beyond your district, or over the whole District of Columbia?—A. I tried to extend my influence everywhere that I can for the good of my people.

Q. And you do that by sticking to the republican party?—A. I do.

Q. Were you time-keeper for the whole road or only for a section?—A. For the whole road.

WASHINGTON, D. C., March 23, 1872.

THOMAS WELLS sworn and examined.

By Mr. GREEN :

Question. Where do you live?—Answer. At Mount Pleasant.

Q. Do you know of any intimidation before the last election in the second district to cause the voters to vote either one way or the other?—A. When I came on the Seventh street road to take charge of a lot of hands, I was given a little note by a gentlemen of Mount Pleasant, whom I took to be one of my friends. He presented it to me one morning, and wanted me to go down with it to Mr. Hall's; I did not know what was the reason; the suggestion to me was, that he wanted to get me a place which would pay me more money. I took the little note down there in an envelope, and presented it to Mr. Hall. Of course I did not see what was inside of it. Mr. Hall opened it and commenced to read it. Then, said he, "I have had this called to my mind some time ago, but sit down." He and I took a seat. Then he said, "The first thing I want to know of you, are you my friend?" I said, "Well, I have got nothing against you, and I am supposed to be as much your friend as anybody else's. I have nothing against you in the world." Said he, "That will not do; if you are a friend, you can have a place on the road; I have already suggested to Mr. Gass, some time ago, to give you a place on the road, but in the first place I want to know of you if you are my friend or not." "Why," said I, "I do not understand you, Mr. Hall." Said he, "Now, look here, there are a good many fellows who voted for me last election, and now they are hand in hand, and because I cannot give them permanent places, they are running around using their influence against me. If you want to know what I am talking about, they are using their influence against me because I cannot give them all permanent places." "O," said I, "Mr. Hall, I did not come here to talk about politics now." "Well," said he "if you are my friend you can have a place on the road." "O," said I, "I do not know anything about that, Mr. Hall, and if you do not want to give me a place on the road, I had work before I was sent here, and I can go back and work as I did before." "Well," said he, "some two or three have been talking to me about you, and I want to give you a place, and if you are my friend, that is all you have to say." Finally I had to come to the test, and tell Mr. Hall that I was his friend. Well, I knew I did not have anything else to tell him, for I knew I was not his enemy. After being on the road a little while, I think about two or three weeks, Mr. Hall came down the road, and another man with him by the name of Cornelius Johnson, if I am not mistaken. I was attending to my work on the road, and Mr. Hall beckoned his head to me. Johnson was standing on one side of the buggy and I on the other side, with my foot upon the step. Mr. Hall said to me, "What I want to see you about is, I heard that there is a set of fellows around here using their influence against me, and if that is the case, I will have them discharged from the road. I have the power to do it, and I will do it." I said, "As to that matter, Mr. Hall, you can discharge me now or at any time you have a mind to." "No," said he, "I am not talking about you, but about some of those fellows. If I can find one of those fellows using his influence against me, I will have him discharged from the road. I have the power to do it, and I will do it." I had made up my mind to go for Hall a second time, if he wanted to be re-elected; but then I began to feel that I had to go back on Mr. Hall, although I did not want to do it; it was not my wish to do it. A little while after that I heard of his sending orders by Mr. Carpenter, or some one else, that some one was to be discharged from the road, and I began to feel that Mr. Hall's fruit was growing up. I began to think to myself, what is the trouble. I did not think it very good in our representative. I did not think that I was going for a man who would take a knife and commence to cut our throats; that was the way I felt about it. I saw soon afterward that the thing was ripening, and I made up my mind that I should not like to have him for representative if that was the way he was going to do business. I felt convinced that a man who would work that way would not suit very well to represent the people; I did not go for him, and I did not work for any one to go for him.

Q. Did you see anybody giving out ballots for Mr. Hall, and for the loan; and at the same time giving money to the voters?—A. I did not; I heard of it, but I did not see it done myself.

Q. Did you hear or know of any of the overseers or members of the board of public works attempting to control the laborers in favor of Hall?—A. Of course a good many of them talked to me about it. They wanted me to go for Mr. Hall, and to influence my friends to go for Mr. Hall.

By Mr. CHIPMAN :

Q. A good many of whom?—A. Of Mr. Hall's friends. The overseers did not.

Q. Did any member of the board of public works?—A. No member of the board of public works more than S. P. Brown. I had a talk with him the same day that the primary election was. It was on the hill near the Schutzen Park. I asked him about the matter, and the way they were going on about the election. He said he thought that the proper way to get at the election was to have a primary election. I suggested to him how could we possibly have a primary election when arrangements were made by which the election was to be transacted. Then he thought that the best plan for us was to go down and vote for Hall; that he would be the proper man. I had a very short talk with him after I found the way he was meaning; that is all I know anything about.

By Mr. CHANDLER:

Q. Did Brown threaten or intimidate you?—A. No, sir; he was perfectly cool about it.

Q. He expressed his opinion?—A. Yes, sir; that was all.

WASHINGTON, D. C., March 23, 1872.

JAMES HARRIS sworn and examined.

By Mr. GREEN:

Question. Where do you reside?—Answer. I live in the second district, near Howard University.

Q. Do you know of any attempts being made to intimidate voters at the last election?—A. Yes; I know one made on the day of the election.

Q. State all about it.—A. I had been up to vote. I did not go up till about 2 o'clock, as I had been down to the hospital seeing to get out the old men. I had been up and put in my ticket. Coming back, Mr. J. C. Lewis gave me a lot of Mr. Hall's tickets, and \$3 with it, and told me to get all I could to go for him.

Q. Who is Mr. Lewis?—A. Mr. Hall's father-in-law, I think.

Q. Do you know of any other instance of intimidation or bribery?—A. Before the election, Mr. Gatley, who lived near Howard's University, told me that he thought I could use more influence with that club than any one else, and if I wished to get all I could, I would be sure of \$10 on the day of election.

Q. Ten dollars apiece?—A. No; that he would give me \$10.

By Mr. ELDRIDGE:

Q. Did you get that \$10?—A. No, sir; Mr. Martin, who is Mr. Carpenter's son-in-law, told me the same. He said, "Get all you can, and I will give you \$10, and that will be \$20."

Q. Did you get that?—A. No, sir; I did not get that either. Just before that I had some talk with Mr. Hall. He said, "I know that if you go for me all the members of that club will, because they all seem to lean the same way that you do." I said, "I do not know why they should," but, said I, "You ask me now about voting for you, when you did not pay me the money you promised me the last election." In the evening Mr. Gatley came up with a five-dollar bill in a note, and I took it, as I thought I had a right to do. That makes \$8 that I received. Then Mr. Carpenter told me himself that he did want me to do all I could for Mr. Hall, because he could not touch Squire Wall with a forty-foot pole. The day of the primary election I was going up to get paid, when Mr. Hall met me, and said to me, "Are you going to the primary election?" I said, "No, I have nothing to do with the primary election. The executive committee has made arrangements that the election shall be held by delegates, and whatever the majority agrees to I will go for." "Well," said he, "I will tell you all one thing. I am there until April, and I will remember my friends. Those who do not vote for me will have to leave that road." "Well," said I, "I expect to leave at any rate." He came up there again a little after I was paid off, and used a good deal the same language. I told him I was not going up there anyhow, and I did not go.

Q. Were there any tickets for the loan handed to you with the tickets for the delegate?—A. I think that all the tickets that I got for the loan were some of Captain Wall's tickets.

By the CHAIRMAN:

Q. Were both these men for the loan?—A. I do not know about that. I never remember getting any tickets from the other side.

By Mr. GREEN:

Q. Did you see anybody giving out ballots for Hall, and at the same time giving money to the voters?—A. I did not see it myself, but I saw four men, who showed me 50 cents apiece that was given to them. They said they thought there had been about \$10 given out. Just as they gave the men the tickets, they gave them money and told them to get something to eat and drink. It was Mr. Lewis who did this. The men who got the money brought it and showed it to me. They were men who were working under me on the road. I did not see the man give the money, but I saw the money which they told me he gave them.

Q. To get something to eat and drink?—A. That is what they told me, but to be sure that they voted that ticket.

By Mr. CHIPMAN :

Q. Can you get a good warm meal out there for 50 cents?—A. I do not know exactly.

By Mr. CREBS :

Q. Were you turned off the road?—A. They told me I was dismissed there until further orders.

Q. Did you get any further orders?—A. I have not got any yet.

Q. You were dismissed at that time?—A. Yes; I was suspended.

By Mr. CHIPMAN :

Q. You worked for Mr. Hall, did you?—A. No, sir.

Q. You voted against him?—A. I voted to suit myself, and very likely that was against him.

By Mr. CHANDLER :

Q. When were you suspended?—A. On the 3d of December. The work continued on till the middle of December.

Q. You staid a month after the election?—A. Yes, but we were not working all the time; there was a good deal of stopping after the election.

By Mr. CREBS :

Q. Were there many of the laborers discharged immediately after the election?—A. Yes, a considerable number.

Q. How many men were at work up to the time of the election?—A. I had myself ninety-three, and out of that number only twenty-five were left. Some gangs were dismissed entirely, pretty much all the way up and down the road.

Q. What time did they have the greatest number of men on the road?—A. Just before the election.

Q. And immediately afterward they were discharged?—A. Yes.

By the CHAIRMAN :

Q. These men who were discharged, as you were a month afterward, were not discharged for having voted one way or the other?—A. I do not know about that.

Q. How did they generally vote?—A. I heard Mr. Carpenter say that Mr. Hall said to him, that if any men were to be kept on, to be sure to keep on the men who voted for him.

By Mr. CREBS :

Q. Which man was elected?—A. Mr. Wall.

Q. Was Hall a white man?—A. Yes.

Q. And Wall a colored man?—A. Yes.

Q. And Wall was elected?—A. Yes.

Q. By what majority?—A. Eighty-two.

Q. Do you know how the vote stood on the question of the loan?—A. No.

Q. Did you go for the loan or against it?—A. I went for it.

Q. What are your politics?—A. I do not use much politics, only I always try to do what is right.

Q. On which side did you go?—A. I went for Wall.

Q. Is Wall a republican?—A. He says he is, and a good many say so.

Q. Was Hall a republican, too?—A. He said he was.

Q. What made you go for Wall?—A. Because my mind led me.

Q. Did not Wall try to make you vote for him?—A. No, sir; not half as hard as Hall did.

Q. Did Wall give you any money?—A. I never saw a cent from him in my life.

Q. What was that primary election of which you spoke; was it a sort of caucus?—A. I do not know; Mr. Hall was anxious to hold it.

Q. Was that what he gave you the money for, to try to take men to the primary election?—A. He wanted me to use my influence with them on the day of the election.

Q. Did they hold a primary election at all?—A. They did.

Q. What did they do at that election?—A. I believe all who voted, voted for Hall.

Q. Did you go?—A. No, sir.

Q. When did you elect delegates?—A. We had a delegate convention.

Q. Did you go to that?—A. I did.

Q. Who else were delegates?—A. There were so many from each club in the District, and there are six or seven clubs in the District. That point was settled by the executive committee.

Q. Who were the executive committee?—A. I cannot tell you. Mr. Cunningham, I think, was one.

Q. Who is Mr. Cunningham?—A. He is a clerk, I think, in the Treasury Department.

Q. Is he one of the executive committee?—A. I do not know whether he is now, or not; he was then. Mr. Ruffin is also one.

Q. Do you know whether the board of public works wanted Hall or Wall elected?—A. I do not know.

Q. Did any member of the board ever talk to you about it?—A. No, sir.

Q. What did you do with that \$3 you got?—A. I spent it.

Q. Did you spend it for food, or clothing, or something to drink?—A. I bought bread, and meat, and coal for it.

Q. You did not use it in the election?—A. No, sir.

Q. What did you do with the \$5?—A. I got some meat and bread with it.

Q. Did you get anything to drink with it?—A. No, sir; I do not drink.

Q. Did you drink with those fellows who got the 50 cents apiece?—A. No, sir.

By Mr. WILLIAMS:

Q. I understood you to say that all of your ninety-five men were dismissed except twenty-five?—A. Yes.

Q. Was that to reduce the force?—A. Some men were put on, but a new foreman was put on with them in my place. I picked the men out.

Q. Did you pick the men out who were to be discharged?—A. No; I picked out the men who were to be kept, and the balance were to be discharged.

By Mr. ELDRIDGE:

Q. Did you pick out those men who had voted for Hall?—A. No; I did not ask whom they voted for.

Q. You did not pay any attention to that?—A. No, sir.

Q. Did you use your influence to elect Mr. Wall?—A. No, sir; I do not believe that either Wall or Hall knew the day before the election which I was going for.

Q. Did you know yourself?—A. I did.

Q. Do you know yourself now whom you did vote for?—A. Indeed I do.

WASHINGTON, D. C., *March 23, 1872.*

S. J. R. NELSON sworn and examined.

By Mr. GREEN:

Question. Where do you live?—Answer. I live in the Howard University.

Q. Did you live there at the time of the last election?—A. Yes.

Q. Do you know of any intimidation or bribery having been used at the last election to control voters?—A. I cannot say that I know; I have thoughts in reference to it. They told me that I was discharged on that account; that is all I know about it. I went down to the board of public works, and asked what I was discharged for, and they said they did not know I was discharged. I went back to see Mr. Carpenter, and he said that Mr. Hall had had me discharged, and that he had an order to discharge me from the board of public works.

WASHINGTON, D. C., *March 23, 1872.*

JOSEPH H. VOORHEES sworn and examined.

By Mr. GREEN:

Question. Have you read Mr. Gass's testimony in this case?—Answer. No, sir, I did not; but I have heard of it.

Q. Do you know of any intimidation having been used to control voters at the last election?—A. I was time-keeper on the Seventh street improvement. I know that every morning previous to the election, when I would go on the road, a good many of the colored men would come to me and say that Mr. Hall had threatened to discharge them if they did not vote for him. That would be the cry every morning until just before the election. At a meeting held by our club at Fort Slocum, Mr. Hall being present, I preferred this charge against him. He said that he told these men he would discharge them if they did not vote "with us." I asked him whom he meant by "us," and he did not explain. There was no candidate in the field but Hall and Wall, and I supposed that he meant for himself. That was the way I took it. Mr. Simms, a colored man, a foreman on the road, was discharged, and he told Mr. Carpenter, in my presence, and in the presence of others, that he was discharged because he was a Wall man, and not a Hall man. He claimed that that was the reason of his being discharged.

Q. Did you see any bodies of laborers marched up to the polls by any one?—A. Yes; I marched up our club myself, and I had good reasons for doing it. I am president of the Fort Slocum Club, and have been since its organization. These colored people out there offered a resolution on the night before the election that no member of the club would

receive a ticket only from the president, the reason being that they should not be imposed upon. Furthermore, there was another resolution offered, that the members of the club would meet at the hall at an early hour and march in a body to the polls and vote, which was adopted. The morning of the election we marched down in a body. There was a grand rush made by the Hall men with tickets, but the members of the club would not receive them. I asked every member of the club whom he wanted to vote for, and I was very careful that they should vote for any man they wanted. I never tried to influence a man to vote against his opinion. I distributed the tickets along just as they asked for them, and I showed them the window to which they should go to deposit their ballots. Mr. Gass was present at the time. He says in his testimony that I threatened men with being discharged if they did not vote for Mr. Wall, which is perfectly false. There were between four hundred and five hundred laboring men on the road at that time, and he cannot find one man that he can bring before the committee to testify that I ever said a word of the kind.

Mr. CREBS. Gass did not say that you required them to vote for Wall, but to vote for the loan.

WITNESS. That is equally false.

Q. Did you have any anti-loan tickets?—A. I did not see any on the day of the election.

By Mr. ELDRIDGE:

Q. Whom did you vote for?—A. I worked for O. S. B. Wall; I did not vote.

Q. What did you mean by saying that you never tried to influence a voter?—A. I mean by intimidation.

Q. Did you distribute any votes that morning for Hall?—A. No, sir; for the reason that not a member of the club asked for any.

Q. Then, what do you mean by saying that you gave the ballots that they asked for?—A. They only asked for Wall tickets.

Q. Did you have any but Wall tickets?—A. Yes; there were plenty of other tickets there.

Q. Did you give out any tickets but Wall tickets?—A. Not one.

Q. Why did you march up these men in a body?—A. Only for convenience. We had some considerable distance to come, over a mile.

Q. Was not the main purpose to get them all to vote just as you wanted?—A. Not at all, sir; nothing of the kind.

Q. How many white men are in that club of yours?—A. Seven or eight.

Q. How many colored men?—A. Seventy-odd. There are eighty-six members all together, I believe.

Q. How many did you march up that morning to the polls?—A. I voted eighty-two men for O. S. B. Wall; just enough to give him eighty-two majority.

Q. Did all of your men vote for the loan?—A. Every man of them.

Q. Did you try to get any to vote against the loan?—A. Not one. I used my influence for the loan.

Q. What made you work for the loan?—A. Because I thought we needed improvements in the District.

Q. Was Wall in favor of the loan?—A. He was.

Q. There was no anti-loan candidate?—A. There was not.

Q. Was Hall in favor of the loan?—A. I do not know; it is hard to tell what he was in favor of.

Q. Do you say that the men all voted as they wanted to?—A. I can speak for no club but my own; I know that my club voted just as they wished. I was very particular never to try to influence any man to vote against his own opinion.

Q. Did you not try to change men's opinions?—A. Yes, by talking to them and explaining things. In that respect I did.

Q. You are a sort of leader among these men?—A. I am.

Q. You marched them up to the polls?—A. I have marched them twice to victory, and I expect to do it again.

Q. Not to vote the democratic ticket, do you?—A. Not much.

Q. You are not much of a democrat yourself?—A. No, I rather judge not.

Q. Have any of these men ever voted the democratic ticket?—A. Yes. We converted a few of those seven or eight white men.

Q. Who did it, you or the colored individuals?—A. I guess circumstances forced them to it.

Q. What kind of circumstances?—A. If they did not vote the republican ticket, they could not vote at all.

Q. Do you mean that you would not allow them to vote at all unless they voted the republican ticket?—A. No. They had no opportunity to vote for any but a republican. When Mr. Schwartz was running at the previous election they were on that side.

Q. What was the reason that they had no opportunity to vote the democratic ticket?—A. There was no democratic candidate.

Q. They had a chance to vote against the loan?—A. Yes.

Q. Were there any tickets against the loan?—A. I did not see any anti-loan tickets there.

Q. Is it your opinion that Mr. Hall's threats got him any more votes than he would have got if he had not threatened any?—A. My opinion is that he lost several votes by his threats.

Q. Then the election was not carried by the threats made by Hall?—A. I do not see how it could be carried by them when he was defeated. I know that when Carpenter handed me my discharge on election morning, it helped Wall considerably.

By Mr. CREBS:

Q. What did he tell you, when he gave you the discharge, as the reason for it?—A. I stepped up to Mr. Carpenter. I had been notified that morning, when I got down there, that Mr. Harry, a gentleman residing in Tennallytown, had stated, in his speech the night before, at Brightwood, that the reason of my discharge from the road (which was the first I knew of it) was because I was drunk and disorderly on the road. I stepped up to Mr. Carpenter, and asked him if he ever saw me drunk on the road. He put his hand in his pocket and handed me my discharge, and said: "That will explain all." I opened the envelope and read my discharge. I turned round then, and said that I thought it was pretty thin. The discharge was from the board of public works.

By the CHAIRMAN:

Q. What were the terms of the discharge?—A. I forget just exactly how it read, but Mr. Carpenter had stated, in the board of public works, that I did not get over the road but once a day, and that he thought it required a time-keeper to be with the men all the time. I had to keep the time of near five hundred men—four hundred and ninety-odd.

Q. The reason assigned was want of vigilance or attention to your duties?—A. It was stated in the discharge that I had only got over the road once a day, and that it was necessary that the time-keeper should be with the men all the time on the road.

By Mr. ELDRIDGE:

Q. Did you and Ruffin keep the time of the same men?—A. I took Mr. Ruffin's place. I went on there on the 29th of September and left on election day.

Q. Before you were appointed, were you called upon to define the candidate for whom you were going to vote?—A. No, sir; they were very careful not to ask anything of that kind.

Q. Through whom did you get your appointment?—A. Through Mr. Wall.

Q. Had you a written appointment?—A. I had.

Q. Whom was it signed by?—A. Alexander R. Shepherd.

Q. Whom was your discharge signed by?—A. Alexander R. Shepherd. I have it at home.

Q. Did the discharge state anything in reference to your incompetency?—A. Nothing more than that I did not get over the road more than once a day.

Q. The charge that you had been drunk was not there?—A. No, sir.

Q. By whom was that charge made?—A. By a gentleman from Tennallytown by the name of Joseph Harry. I went over, and Mr. Harry denied it entirely, and said he made no such charge at all.

Q. Do you know of any money being paid to carry the election there?—A. Nothing more than that I saw men that morning on the road who said that Mr. Lewis was standing in his yard handing out tickets for Hall, and handing out twenty-five cents with each ticket. Some of the men said that they had been there twice, and got two twenty-five cents, the old gentleman not remembering their faces.

By Mr. ELDRIDGE:

Q. Did you go down to get any money?—A. I had no occasion.

Q. Did any of your club do so?—A. I did not see any.

Q. Had you any money to use?—A. I had money, but I did not use it for electioneering purposes.

Q. Did you have money furnished you for election purposes?—A. Not a cent.

By Mr. CREBS:

Q. You say that your list had on it four or five hundred men?—A. At the time of the election, there were on that road nearly five hundred men.

Q. How long were they kept on after the election?—A. Very little. They commenced discharging them immediately after.

By Mr. ELDRIDGE:

Q. Do you know of any men voting who did not reside in the District?—A. No, sir.

Q. Were all the men employed there residents of the District?—A. No, sir; there were men from Maryland.

Q. Did any of them vote?—A. Not that I know of.

Q. How many of the men on your list were residents of the District?—A. A majority. I do not know of any man voting who was not a resident of the District.

Q. Were all those men who were marched up to the polls residents of the District?—A. Yes, sir.

Q. Do you know that fact?—A. I do; if not, I should not have let them vote.

Q. You are very conscientious in the matter?—A. I am, sir, very conscientious.

WASHINGTON, D. C., *March 23, 1872.*

JAMES FITZPATRICK recalled.

By Mr. GREEN:

Question. Have you any contract with the board of public works besides the one in which you are interested with Michael Shiner?—Answer. Yes, sir.

Q. Have you any partners in these contracts?—A. Yes, sir.

Q. Who are they?—A. James Walsh.

Q. Any other?—A. No, sir.

Q. The contract is given in your name, is it?—A. Yes, sir.

Q. Did you recently, in a lawsuit brought against you, testify that you did not own a contract?—A. I did.

Q. You stated then that you were only a time-keeper.—A. Where?

Q. Before Colonel Taite. For whom were you keeping time?—A. I don't know what you refer to.

Q. I have reference to the suit that was brought against you by some of your hands. If you did not own that contract, and were not responsible for the wages to the hands, who were the owners of it?—A. On my contract that I have I paid my hands and horses. What contract you are talking about I don't know.

Q. I have reference to the one you testified about. You know the men who sued you?—A. No man sued me.

Q. Is any member of the legislature directly or indirectly interested in your contract?—A. No, sir.

Q. Who is Mr. Walsh's partner?—A. I am.

Q. Has Mr. Walsh some other partners?—A. I do not know. Not in my contract.

Q. Who is Mr. Walsh's business partner?—A. I never asked him; all I know is about my own contract.

By Mr. CHANDLER:

Q. Has Mr. Cross any interest in any contract which you made, to your knowledge?—A. No, sir.

By Mr. STARKWEATHER:

Q. Has any member of the board of public works any interest in any matter or contract which you hold?—A. No, sir.

Q. Any member of the legislature?—A. No, sir.

Q. Anybody further than you have stated here?—A. No, sir.

Q. On what contract are you a time-keeper?—A. On my own; and no man or boy has sued me. I don't know what is referred to.

By Mr. ELDRIDGE:

Q. Are you and Shiner partners?—A. Not exactly partners. I am going to do his work for him, and will reap half the benefit.

Q. Is anybody else besides yourself interested in your half?—A. Yes, sir, Mr. Walsh.

Q. What part is he to have?—A. He is to have half of mine—a quarter of the whole.

Q. Are other persons interested in that part of his?—A. Not to my knowledge.

Q. Have you heard of any one who had any interest in it?—A. I cannot say.

Q. Has anybody any interest in your part beside yourself?—A. No, sir.

WASHINGTON, D. C., *March, 23, 1872.*

GEO. W. BEALL recalled.

By Mr. COOMBS:

Question. What is your occupation?—Answer. Superintendent of special assessment under the board of public works.

Q. Have you the regulation of the special assessment upon property for improvements?—A. Only so far as made by the engineer and the rate returned by him. I charge them after they are made by the engineer.

Q. To what extent are the property-holders charged for the sidewalks ; to the whole extent under the old law ?—A. I do not know, only from hearsay. It was understood under the old law that the property paid for the improvements ; all the assessments have been made to the amount of one-third of the costs upon the property where improvements are made.

Q. It was testified that here on North Capitol street they assessed the whole cost ?—A. No, sir ; only one-third. The entire cost of that street was \$9,691 14 ; the assessment returned to my office was \$3,230 38, one-third of the expense.

Q. Will you look at these bills against Mr. Alexander ?—A. I have nothing to do with that. They came from the comptroller's office.

Q. Then you do not mean to say that there are many improvements which are taxed the whole amount of the property—only that they are not assessed by the board of public works ?—A. That work was done under the old law by the former government of the District.

Q. Were the contracts under which that work was done let before the present government came into power ?—A. Yes, sir. The work has been done since. The old contracts were issued before.

Q. Will you state whether you know this to be an accurate copy of the act of the legislature passed February 21, 1871 ? (A portion of the act was read.)—A. I heard that there was such a law passed at the last session of the legislature.

Q. Can you explain how it is that citizens, in the face of that law, are being assessed the full amount for the improvements made in front of their property ?—A. I have understood, unofficially, that the board of public works did not consider that law specific enough so that they could undertake to accept of the work done under those contracts, and that they needed some additional legislation. I have understood that the whole matter is in abeyance, and that the collector will not advertise that property until the question is settled.

Q. Who makes out these bills ?—A. They are made out in the collector's office, separate and distinct from the board of public works.

Q. Don't you know that these contracts were all set aside, declared null and void, by the court, at the instance of the board of public works ?—A. I do not.

Q. I see around the city a great many yards made in front of the houses by posts and chains. Is that done under the board of public works ?—A. I do not know. None of that work has come to my office for assessment.

By Mr. ELDRIDGE :

Q. Is there any record or evidence to show a charge for laying a pavement on North Capitol street, and then taking that up and laying another pavement ?—A. There is no record of that kind in my office.

Q. Have you any knowledge of whether a pavement was laid in that street and then taken up ?—A. No, sir ; I have not.

Q. Do you assess anything except the frontage taxes ?—A. For all special improvements the tax is paid by the front foot ; that is the only tax I assess.

Q. What office do you hold ?—A. I am superintendent of special assessments.

Q. Who appointed you ?—A. The board of public works.

Q. Who signed your commission ?—A. I think it was signed by the secretary of the board. How I got the position I do not know.

Q. Where do you reside ?—A. In Georgetown.

Q. How long have you resided there ?—A. I was born there fifty-seven years ago the 17th of April next.

Q. I understand you to say you have nothing to do with any contracts made by the old authorities before this new government came into power ?—A. Nothing whatever.

Q. Have none of these contracts come under your supervision ?—A. Not any.

Q. Do you understand that they are to come ?—A. Only so far as this law passed at the last session of the legislative assembly looks to that.

Q. What is the defect in that law ?—A. I cannot say.

Q. In making these assessments are you under the direction of the board of public works, or do you make them on your own calculation and by your own judgment ?—A. The work is measured by the engineer and the rate per front foot fixed by the engineer, and by the measurement of the work they ascertain the entire cost.

Q. Then, if he measures the work and determines the tax upon each front foot, what are your duties ?—A. I make out the list on the line of improvement and the bills to be served on the parties.

Q. Do you collect these sums ?—A. Yes, sir.

Q. And where do you put the money ?—A. I pay it to the treasurer of the board of public works and take his receipt for it.

Q. Can you tell anything like the sum that you have collected of these parties ?—A. About \$23,000 on M street.

Q. What proportion of that which you are authorized to collect has been collected ?—A. About one-half.

Q. Why have you not collected the balance ?—A. There was some objection urged in some cases to the measurement of the work and they also objected on M street to paying for the

intersections of the streets on the whole line of the street. That question is still pending. Some have not paid on account of the want of means.

Q. Have you attempted to enforce the collection?—A. No, sir; I receive my orders from the board of public works.

Q. Is there a warrant issued to you?—A. Simply orders from the board of public works.

Q. What is your warrant for collection?—A. These assessments that I received from the board of public works are charged to me by the book-keeper of the board, in gross, and I have to account for them.

Q. What is your salary?—A. Twenty-five hundred dollars.

Q. Do you get any commission?—A. Not a cent.

Q. Have you any clerks?—A. There is an assistant appointed by the board.

Q. What is his pay?—A. I think \$1,800.

Q. Is it necessary for this work that you should have this assistant?—A. It may not be always necessary, but when the work comes in there will be more than myself and my assistant can do. The amount of collections made there will be probably nearly as great as the whole of the other taxes in the city government.

Q. Do you say that the special assessments will be nearly equal to the general taxation?—A. Yes, sir.

By Mr. CHIPMAN:

Q. Your assessment is only for one-third of the improvements?—A. Yes, sir; but the proportion of money assessed for the special improvements will be nearly as great as the general taxation, exclusive of that.

By Mr. COOMBS:

Q. How are these taxes to be collected if not paid?—A. If they are not paid at the end of thirty days, interest is charged at the rate of 10 per cent.

WASHINGTON, D. C., *March 23, 1872.*

WILLIAM SAUNDERS recalled.

By Mr. GREEN:

Question. Have you noticed the manner in which the sewers are being put down in Georgetown where you reside?—Answer. Yes, sir; I have noticed the work two or three times.

Q. Please describe it to the committee.—A. I suppose all know that the sewer down Beall street is very drainy, and some four years ago it was improved. I, myself, had to pay at that time \$60 for the improvements. Now the boss there told me that they were to raise it about 8 feet. I do not know much about the sewerage in any shape or form.

Q. Do you know whether the people in your neighborhood have suffered great inconvenience and damage by reason of filling up the streets by what has been done and is being done?—A. Yes, sir; it will be some expense. I think my friend Becket will suffer considerably by it. The street has been graded once before.

Q. Have not many of the small property-holders there expressed complaints that the taxes would be so heavy that they would not be able to pay them?—A. I do not know so much about that. I don't know what the expense will be; never took enough interest in it to inquire. I am one of the poor people myself.

WASHINGTON, D. C., *March 23, 1872.*

CLEMENT BECKET recalled.

By Mr. GREEN:

Question. Have you and the people of your neighborhood suffered much inconvenience and damage to property in consequence of the work being done on the streets in Georgetown?—Answer. Not yet; they will, according to what I understand. There is now a healthy drainage on our street. Within the last three years we have had the street graded, and some of my neighbors have not yet got through paying for the improvements that have been made there before.

Q. How will it be with the small property-holders in paying the new taxes?—A. I heard some of them say they will not be able to pay them.

Q. Are they generally poor persons on that street?—A. Yes, sir; I do not think there are more than two persons on the street who are anyways wealthy at all.

By Mr. CHANDLER:

Q. The trouble anticipated is from the raising of the grade of the street?—A. Yes, sir.

Q. How much is it to be raised?—A. I understand 8 feet.

Q. Who told you?—A. The boss who is digging the sewer. I suppose he would know.

Q. All the knowledge you have, then, is what you heard them say?—A. Yes, sir; but I know they have got to raise it some anyhow. Mr. Collins told me that it was going to be 8 feet higher than it is now.

WASHINGTON, D. C., *March 23, 1872.*

HENRY HIMBER recalled.

By Mr. COOMBS:

Question. Do you know when the cutting down of the streets west of the Navy Department was commenced—that is to say, G street, Seventeenth, Eighteenth, and Nineteenth streets?—Answer. I commenced on Seventeenth street in the latter part of August; on G street I commenced afterward.

Q. Do you know at what time they commenced the work of cutting down Nineteenth street?—A. I do not know. Within a month or so.

Q. Had it not been cut down some time before you commenced on Seventeenth street?—A. No, sir.

Q. Did you have the job of grading G street?—A. I did.

Q. When did you commence that?—A. About the 18th or 19th of September.

WASHINGTON, D. C., *March 23, 1872.*

HENRY LARMAN recalled.

By Mr. COOMBS:

Question. What is your occupation?—Answer. Inspector of the water-mains of the District.

Q. Do you know when the work was commenced on Seventeenth, Eighteenth, and Nineteenth streets and G street?—A. I don't know. I think they commenced on G street about the 1st of September.

Q. What time did you lay the water-mains on G street?—A. I didn't lay any water-mains there. I lowered the water-mains and commenced about the 1st of September.

Q. Did you tell Mr. Crane that you commenced in July?—A. I told Mr. Crane some days ago I thought it was in July, but, on looking over my memorandum-book, I found it was September.

WASHINGTON, D. C., *March 23, 1872.*

MICHAEL SHINER recalled.

By Mr. GREEN:

Question. Where do you live?—Answer. In what is called the old Sixth ward.

Q. What is your occupation?—A. I am a laboring man in the paint-shop in the Washington navy-yard.

Q. Have you any contract with the board of public works?—A. Yes, sir.

Q. What is it?—A. Grading of Eleventh street northwest from Pennsylvania avenue to H street.

Q. Have you been a contractor before?—A. Never.

Q. By whose influence did you succeed in getting this contract?—A. No influence at all. I asked for it and it was given to me by the board of public works.

Q. Are you doing the work now?—A. No, sir, I am not now; the weather has been so bad that we could not work there.

Q. Have you been doing the work at all?—A. Yes, sir; I commenced on the 5th of October.

Q. Did you do the work yourself or transfer the contract?—A. I got a gentleman to work it out for me.

Q. Who was he?—A. Mr. James Fitzpatrick.

Q. You got the contract on your own merits entirely?—A. Yes, sir.

Q. Did you pay for it?—A. I made application the same as the others and these gentlemen gave it to me.

Q. Did you make any deposit for the performance of that contract?—A. I gave bond.

Q. Did you deposit \$1,000 when you made your bid?—A. I made the application the same as other bidders to the board of public works and it was given out to the lowest bidder. This was given to me without anybody's being bought and sold.

Q. You still own the contract?—A. I still own it.

By Mr. CHIPMAN :

Q. You took the contract at the board of public works' prices, after the bids had been opened which other persons had put in ?—A. Yes, sir.

Q. You were not one of the original contractors ?—A. No, sir.

By Mr. ELDRIDGE :

Q. Have you that contract here ?—A. Yes, sir. [The contract was exhibited.]

Q. Did you give Fitzpatrick any *bonus* ?—A. No, sir ; nor bread neither.

Q. You took him in as a partner ?—A. Yes, sir.

Q. Have you been engaged in the public work before this ?—A. Yes ; I am working for them every day ; working for the Government.

Q. By contract ?—A. O, no ; not at all.

Q. How do you work for the General Government ?—A. By the day. I have a small sum. I get \$1 50 a day.

Q. Your contract with Fitzpatrick is not filled up in all places ?—A. It is filled up as far as I want it, sir.

Q. How is this work, or this job that you have taken, to be done ? Is it to be done in the same way the contractors would do it ?—A. It is to be done satisfactory to the board of public works. If it is not done so, of course we don't receive any compensation for it.

Q. Have you any very intimate relations with the board of public works ?—A. I have known Mr. Cross's father before he was born ; I knew Alex. Shepherd, and his father before him.

Q. Was his father an honest man ?—A. Certainly he was.

Q. Do you think Alex. Shepherd an honest man ?—A. I think he is as much a gentleman as any in the city of Washington.

Q. Do you think he is as honest as he was before he became a member of the board of public works ?—A. Just as honest. Every person is not a Judas who has the handling of public money.

By Mr. CHANDLER :

Q. Have you received any money under this contract ?—A. Yes, sir.

Q. How much ?—A. One thousand dollars. It has gone to pay expenses.

Q. Have there been any profits so far ?—A. No, sir.

Q. What proportion of the work has been done ?—A. About two squares have been done.

By Mr. ELDRIDGE :

Q. Did you pay the board of public works any money in order to get this contract ?—A. I did not ; no man can buy me.

Q. But the question is whether you have not bought the board of public works ?—A. Not at all.

WASHINGTON, D. C., March 23, 1872.

WILLIAM H. SLATER duly sworn and examined.

By Mr. GREEN :

Question. What is your occupation ?—Answer. I am collector of the District.

Q. Who is the treasurer of the Republican Association ?—A. I was elected.

Q. Have you had any funds placed in your hands as such treasurer for use at the last election ?—A. No, sir.

Q. Was Hallett Kilbourn your deputy ?—A. No, sir.

Q. Do you know why the money was placed in his hands instead of yours ?—A. I do not ; I did not know that any money was placed in his hands until I saw it so stated in the papers.

WASHINGTON, D. C., March 23, 1872.

O. S. B. WALL duly affirmed and examined.

By Mr. GREEN :

Question. Are you the same Mr. Wall who ran against Mr. Hall at the last election ?—Answer. Yes, sir.

Q. Did you receive any money to aid in your election from the republican club or Mr. Hallett Kilbourn, their treasurer ?—A. No, sir ; not a cent.

Q. What are your politics ?—A. I suppose I am a republican, to the best of my knowledge.

By Mr. ELDRIDGE :

Q. Were you in favor of the loan ?—A. Yes, sir.

Q. So declared before the election?—A. O, yes, sir; on a number of occasions.

Q. How was it with Mr. Hall?—A. I think Hall was; I do not know.

Q. Were the board of public works against your election?—A. I do not know that they were.

Q. Was this opposition made to you by Hall personal, or was it by the influence of the board of public works?—A. It was his own. He seems to be a lover of office; rather restless and fidgety about the matter; and this seems to have grown out of his anxiety to supersede somebody in office.

Q. Were nominations made before the election?—A. Yes, sir.

Q. Who was the regular nominee?—A. According to our understanding, I was.

Q. How were you nominated?—A. By delegates in a delegate convention, representing the various clubs, in a ratio of one for each ten members of the club. This matter was discussed by the central committee of the District and then at our smaller sub-districts; and it was agreed that should be the *modus operandi* for that year.

Q. This referred to the primary election?—A. That is where they go through the regular voting of the masses, to see who shall be the nominee.

Q. Like a caucus?—A. No, sir; they simply go through with voting, just as they do by law, each man indicating whom he prefers. That is done to determine who shall run.

Q. Did you have a primary election?—A. They had one and they found that we beat them. We had seven clubs, and I had six out of the seven in my favor.

Q. Is Hall a member of a club?—A. I don't know, sir; he pops around. He is a nice little man, but a little on the nervous.

By Mr. GREEN:

Q. Did you have a conversation with S. P. Browne in regard to the election?—A. Nothing special. We had a little set-to; but we made it up. He said some things that he had a right to say as a citizen; and I said some things that I should not if I had not been a little warmed up.

By Mr. ELDRIDGE:

Q. Did you have any money?—A. I do not know of any; I think not. We had God and the people with us.

Q. I wish to know if you had to fight the board of public works?—A. They are perfect gentlemen; they always treated me well.

Q. Do you think God was in favor of the board of public works?—A. I rather think with His knowledge of the state of things in this old District, He was in favor of improving it. And that seemed to be the most feasible way; so I don't think He would have any objection to them in view of what they are doing for improvement.

Q. Do you know anything about the effort employed on the Seventh street road immediately before the election?—A. I do not know much about it.

Q. Did you circulate around among the men there?—A. I did not; it was disgusting to me, the whole thing. I begged my friends not to introduce me. I did not want to be among the men, because it would seem that I was trying to influence them.

Q. Did not you seek the election?—A. No, sir, I did not.

Q. The people sought you?—A. Well, sir, that seems to be the fact.

Q. Did you hold any meetings?—A. No, sir; I did not go to one.

Q. Did you make any speeches?—A. I did go out to the Soldiers' Home, where they were all white men, the old soldiers. I went up because they urged me and because there were no colored men, and they could not say I was trying to influence them.

Q. Whose claims did you advocate?—A. Not any one particularly; my remarks bore a little Wall-wise. I talked about their lives and their loyalty to the Government, and that I thought they ought to be properly appreciated.

Q. Were you a soldier?—A. Yes, sir, I got a commission toward the end of the war, which was a very uncommon thing for a colored man; a commission as captain.

Q. Did you serve as captain?—A. I was ordered to report to General Saxton.

By Mr. GREEN:

Q. Did S. P. Browne express any desire to have you retire from the canvass?—A. I don't think he did. I understood he was rather favorable to Hall; and I rather thought he had a right to be. I don't think any the less of a man who don't think much of me. If they knew as much of me as I do, I could not blame them for not voting for me.

By Mr. ELDRIDGE:

Q. Was that the reason you did not make any speeches, so that the people should not know you as well as you knew yourself?—A. Not so much that as my inability to make a speech.

By Mr. GREEN:

Q. What did Governor Cooke say when you called on him?—A. He seemed to wish there should be no cause of division. He would like to have us settle it in some way, and that some one should withdraw. The only difference with me was, who should withdraw.

By Mr. ELDRIDGE:

Q. Is your district republican?—A. Yes, sir; we had about 80 majority the last time. We have had over 200.

Q. Did a large number of men who were at work on the Seventh street road vote in your district?—A. I don't think they did. I don't think anything was done worse than was done by Hall; and had I been a disinterested outsider I should have proceeded against him.

Q. That was give 25 cents to the voters?—A. Yes, and many other things. I think it is almost an unpardonable sin to do what that man did among these people.

Q. Do you think this advanced the vote of Hall?—A. I think not; I think it was a back-action affair.

Q. Was it your opinion that the board of public works put more men on the Seventh street road about the time of the election for the purpose of influencing the election?—A. I had no reason to think so. I am satisfied that the gentlemen composing the board like me better at present than they do Hall.

Q. Did they tell you so when you were running for office?—A. I cannot say.

By Mr. CHIPMAN:

Q. Had not you reason to believe that the board was friendly to you?—A. Yes, sir.

Q. Did you have any reason to doubt it?—A. No, sir.

By Mr. ELDRIDGE:

Q. If the board were not hostile to you what motive could they have had for putting that large number of men on Seventh street?—A. I think it was only for the improvement, and the amount of work required, that that number of men was employed.

Q. That is your belief?—A. Yes, sir.

By Mr. CREBS:

Q. Did not all who voted for you and Mr. Hall vote for the loan?—A. I think so.

By Mr. STARKWEATHER:

Q. They would have no reason to place these men there to influence the loan?—A. No, sir. The board had reason to think the people would sustain them; they had no reason to think differently in our district.

By Mr. ELDRIDGE:

Q. Suppose these men were not employed on the road; would they have been as likely to vote for the loan?—A. I think so. I think the masses of voters in the District have not much notion or opinion about it, and are acted upon as men are generally, by those who would give them labor and work, or its equivalent; they would go for them without thinking of the benefit to the District, or any higher considerations.

Q. You suppose that was the ruling motive?—A. I suppose that was, somewhat.

By Mr. CHIPMAN:

Q. You have spoken of the masses, who are not interested, except as they look out for some benefit to themselves. Will you give the idea of the more intelligent people, who have property and are residents here for a long time?—A. I believe that since the wide-awake element from the North and West has been infused into this community a very great change has taken place in favor of improvement of this capital, to such an extent that it will be a desirable place of residence.

Q. Then you believe that the masses of voters, in voting as they did, executed the will of the intelligent portion of the people?—A. Certainly. If I dissented from that at all it would be only in reference to some particular locality and particular classes of persons.

By Mr. ELDRIDGE:

Q. What, in your opinion, would be the result if this question were again submitted to the people, especially among the colored property-holders?—A. I think it would be decidedly indorsed.

By Mr. COOMBS:

Q. Do you know how many votes were cast for the loan?—A. No, sir.

Q. Do you know whether half as many were cast for it as were registered at the spring election?—A. I think so. I was glad to find the loan was sustained by about 13,000 majority.

By Mr. CREBS:

Q. You have said that you believe the board of public works liked you better than Mr. Hall?—A. Personally.

Q. Then, why did they favor Hall rather than yourself?—A. I do not think they did personally. They said to me they had no preference, and they did not wish to enter into any

fight between two republicans. I had the assurance from them personally that they liked me. Mr. Shepherd nominated me as the proper person to represent the second district.

By Mr. ELDRIDGE:

Q. Do you know anything why Ruffin was discharged?—A. No, sir; I was present, and headed the delegation at the time they waited upon the governor and the board of public works.

Q. State what took place—what reason was given to him for his discharge.—A. If I remember correctly, Mr. Shepherd said he was using a great deal of the time in political discussions and agitations, the effect of which was detrimental to the labor. That is what he stated at the room that day.

Q. Did you hear him say that if he would repent, and do works meet for repentance, he could be reinstated?—A. Yes, sir. All I understood was that Ruffin was making political harrangues to the people throughout the day, Ruffin being a great radical. Mr. Shepherd said he was discharged because he had agitated politics among the people and took the time of the men from work.

Q. Was there anything said that he should be discharged for not supporting Hall?

[Mr. Ruffin was here allowed to explain.]

He said: I suppose Mr. Wall has forgotten what he told us at the time of the election, when he told the people that the board of public works undoubtedly were opposed to him. That includes the whole thing.

[Mr. Wall was permitted to respond.]

He said: The language he had used was an inference; that "*if the board of public works were opposed to him, they would nevertheless beat them.*" There was a rumor in the canvass that the board did oppose me, I know; but I had no means of knowing that they were doing anything against me; and I may have said in a public meeting that, notwithstanding their opposition, we would do what we could. I have no direct or immediate knowledge of their doing anything against me.

WASHINGTON, D. C., March 23, 1872.

H. A. HALL duly sworn and examined.

By Mr. GREEN:

Question. What is your official position?—Answer. Superintendent of assessments and taxes.

Q. By whom appointed?—A. By the governor of the District.

Q. How many assessors in the District and how many districts?—A. There are twenty-two assessors—one in each legislative district.

Q. By whom are the several assessors appointed?—A. By the governor.

Q. By whom are the clerks in your office appointed?—A. By the governor.

Q. Upon whose recommendation?—A. I could not tell.

Q. Out of what fund are they paid?—A. The general fund, I presume. I have nothing to do with that.

Q. Are the assessments made by the assessors and reported to you?—A. Yes, sir.

Q. Are they made by the assessors as a body, or by each one in his own district?—A. They are made by each one in his own district; the law requires that.

Q. Do the assessors in the several districts go around and make the assessments in the usual manner as provided by law?—A. Not in the usual manner, because heretofore there was no attention paid to personal property. Last fall much attention was paid to the assessment of personal property, and in that respect it was different from any assessment ever made in the District.

Q. Was the assessment on real estate made by going around and examining the property?—A. It was in some instances, and in others it was made by sitting in the office and copying down from the old tax list, as has been done for thirty years. It was generally taken from the old valuation, unless there was a new block of houses, or something of that kind, that needed to be examined.

By Mr. ELDRIDGE:

Q. How, then, do you arrive at the present valuation?—A. The old assessments of property are very unequal. The present assessment has been made by actual observation in many instances, and by actual measurement by the person assessing the property, so as to obtain the exact cash value.

Q. One of the assessors before us stated that he did not think he had assessed the property at more than two-thirds its value. Supposing that could be shown to have been done by a local assessor, what would you do about it?—A. If the board of appeals were made acquainted with it, they would raise it up to its actual cash value. The object of the board of appeals is to equalize the taxes.

Q. Do you think the property has been assessed at its cash value?—A. In some instances it has been assessed at more than its cash value; but generally it is far below it.

By Mr. GREEN:

Q. Were the assessors who were employed in 1871 paid *per diem* pay?—A. Much of the time they were employed in making assessments on personal property, under an act to make immediate assessments. The law required that notice should be left at every person's house, which was to be replied to; and, in the mean time, the assessors were employed in the office during the day nearly all the time. As soon as the returns commenced coming in, they were kept constantly busy, and there was actually more clerical work done in connection with the assessment of personal property than in the assessments of real estate.

Q. Are they not salaried officers?—A. No, sir; they are paid \$5 per day; not to exceed ninety days in any one year, or \$450 a year.

Q. By whose orders are they paid?—A. Their account is made out and approved by me, and is paid in the usual manner, being approved by the auditor, controller, and treasurer.

Q. Have you examined the assessment-books for 1872?—A. It has been my duty to examine them; I have examined a great many of them.

Q. What was the ratio of the increase in the value of property in 1872 over that for 1871?—A. The assessment is not completed yet. We cannot yet reach the footing for the general assessment, so as to tell what the excess will be. It takes at least three months before we can tell the aggregate assessment in a district.

Q. Have you received any instructions, directly or indirectly, to make the assessment for 1872 as high as possible?—A. I could not, for several reasons: I have no authority over any assessor in the District. I have never received any instructions; no officer of the government has given me any intimation of any kind in that regard.

Q. Do you know of any instructions being given to the assessors?—A. None whatever. They are sworn officers to faithfully discharge the duties of their offices.

Q. Can you give the total value of real estate in 1871 in the twelfth legislative district?—A. No, sir; the total valuation under the old system was made by wards, and the twelfth district does not correspond to any particular division of the wards. These assessments will, therefore, show the valuation by districts, having no reference to the wards. There never has been any official calculation made of the value of the property heretofore, and the present assessment will be the first ever made giving its total valuation.

Q. Can you form any approximate idea of what the assessment will be this year?—A. I cannot. It would be impossible.

Q. Could you not tell within \$10,000,000?—A. No, sir. The old valuation of \$89,000,000 is not an official footing. The estimate was made by an expert, and the footings were only approximate.

By Mr. STARKWEATHER:

Q. How is it that the assessment embraced one-half or two-thirds of the valuation of the property?—A. The proper assessment on real estate alone would produce \$125,000,000. There are \$60,000,000 of personal property; in the whole, \$185,000,000. We had assessed only about \$12,000,000 of personal property in the District. I venture to say that I could find twice that; but it is impossible to ascertain the full amount of personal property. Our law exempts \$300 on furniture; and, in many houses filled with furniture, it is all exempted under that clause. I am satisfied that there is \$1,000,000 in the building associations that we could not get at. Then there is the property of railroad corporations, gas companies, and in the savings-banks, &c., that we cannot reach.

By Mr. ELDRIDGE:

Q. Do you include any of the United States property?—A. No, sir; none whatever.

By Mr. GREEN:

Q. Have you ever furnished this estimate to any person before?—A. No, sir.

Q. Do you know who furnished the estimate of the taxable value of the District to the parties who put the four-million loan on the market in Europe?—A. No, sir.

Q. When was the tax on the present property assessed?—A. We commenced on the 11th of August and concluded it in October.

Q. What was the total assessment?—A. About \$12,000,000.

Q. Was that made under the authority of an act of the legislative assembly?—A. Yes, sir; and approved August 9.

Q. Was that for one year only?—A. The law did not state how long.

Q. Do you know what was the assessment on personal property in the District prior to the establishment of the new government?—A. I think it was from two to three million; I am not sure. The collection on it was merely a nominal sum, and never amounted to anything.

Q. I find here a report of the number of clerks in your office. Out of what fund are they paid?—A. Out of a special appropriation made by the legislature. The bill authorized me to appoint as many clerks as the public service required to compile the returns of assessments of special taxes.

Q. Was that the appropriation for contingent expenses?—A. I never knew anything about that. The controller may be prepared to answer it. I have nothing further to do with it except approving their bills.

Q. Are these your regular clerks?—A. We have only three regular clerks. Those are all temporary clerks.

Q. How many clerks have you had in all?—A. I could not tell; some were there for a few days only, and some longer.

By Mr. ELDRIDGE:

Q. How many permanent clerks have you?—A. Three.

Q. Have you any assistant?—A. I have a chief clerk, who is one of the three.

Q. What are your respective salaries?—A. My salary is \$3,000; that of the chief clerk is \$2,000; and the others \$1,500 and \$1,200.

Q. Is it necessary to have that amount of help?—A. Yes, sir; and at times it will require six or eight more. I frequently have to put on an additional force.

Q. If these men were to work uninterruptedly, could you not do it all?—A. No, sir.

Q. What was the necessity that required these sixteen clerks?—A. It was after the returns came in in making up the records.

Q. What was the necessity for having that work done so soon?—A. It was necessary to get the lists of taxes made out, so as to collect the taxes.

Q. Does it require that every year?—A. Yes, sir.

By Mr. GREEN:

Q. How many clerks were in the assessor's office under the old government?—A. There were six in 1869.

By Mr. ELDRIDGE:

Q. Have you been in the employ of the city government for some time?—A. No, sir; I was connected with the councils three years.

Q. How long have you been a resident of the District?—A. Eight years.

WASHINGTON, D. C., *March 23, 1872.*

WILLIAM MORGAN recalled.

By Mr. GREEN:

Question. Have you examined the assessment books for 1872?—Answer. No, sir.

Q. Can you state what was the total valuation of real estate in the Twelfth district in 1871?—A. No, sir; we had the returns by wards in 1871.

By Mr. CHANDLER:

Q. What was the assessment which you prepared, and which Mr. Hall submitted to the comptroller?—A. It was for the city of Washington; it was \$71,000,000 in the city proper. The value of the ground was \$34,639,861; that of improvements, \$27,781,470; and of personal property, \$9,000,997. That was the basis of taxation last year. For Georgetown, it was for real estate, \$6,036,434; personal property, \$1,584,320; for the county, the total was \$7,172,533; making a total of \$86,225,615. That was the old basis.

Q. I see you made an estimate of an increase of \$3,000,000.—A. I have made that upon the reports of the assessors.

Q. How do you make up this which you have handed in?—A. First from a book which contains the value of the ground; then from the book which gives the improvements, and then from a book giving the personal property.

Q. And you believe that to be very near the actual amount?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. What do you call "improvements"?—A. The buildings upon the ground.

Q. Did you foot this up yourself?—A. I added up one; and an expert did the same thing. I took his, because he had given his whole time to it.

By Mr. STARKWEATHER:

Q. In this basis of property is the real estate put up to its fair valuation?—A. I think it is largely under the valuation at the present time; many improvements have been made since that.

Q. In regard to personal property, you do not get it all. What proportion do you suppose you get?—A. Heretofore, I don't think we collected one-eighth. I don't think the valuation ever reached \$4,000,000.

Q. Now how much is it?—A. It is returned at over \$9,000,000.

WASHINGTON, D. C., March 23, 1872.

DAVID MILLER duly sworn and examined.

By Mr. CRANE :

Question. Where do you live ?—Answer. In the first district.

Q. State in what way the improvements have been carried on in that district ?—A. The soil is very sandy in that district. The men, in improving the roads, have taken grubbing-hoes and dug up the sand, and then that sand has been thrown up with shovels. In 1868 I was the commissioner, and I took a horse and plow, and having plowed alongside the road, I took a scraper and put the dirt in the middle of the road with that, and then leveled it down. I think one horse, with a scraper, would do the work of fifteen men.

Q. Do you know the cost of the work ?—A. Not definitely. I had a team on the road, and I received my pay with the other hands. I should judge there was about \$2,000 expended on the road, and it is graveled only about forty rods, while a portion of it has not been touched at all.

Q. Did you say you would have taken all the work by contract for one-half ?—A. Yes, sir. They employed old men on the road, and teams that could not draw two wheelbarrows-full of dirt. One horse was so weak that he staggered in the cart ; and there was one old man employed at a dollar and a half a day, whom I would not have given his board for his work, only out of charity. The citizens voted cheerfully for the four-million loan, but they feel that the money is not properly applied there.

Q. Did you vote for the four-million loan ?—A. I did.

Q. Do you think the money is being squandered ?—A. I think the work done could be done for half the money. I made the road one year for \$400, and I think it was better than it is now.

Q. Do you mean to say that you did for \$400 what has cost \$2,000 ?—A. I do ; and I think it was better done than when the commissioners left it last fall.

By Mr. CHANDLER :

Q. You live in the first district, over across the Eastern Branch ?—A. Yes, sir.

Q. Were you a candidate for the assembly in the caucus against Mr. Brown ?—A. Yes, sir.

Q. Did you acquiesce in the nomination ?—A. No, sir ; I withdrew my name entirely.

Q. Do you think the fact that you were defeated has influenced you ?—A. Not at all.

Q. You were nominated in another convention, and ran against Mr. Brown ?—A. Yes, sir.

Q. And you were defeated ?—A. Yes, sir.

Q. And your feelings were not affected ?—A. No, sir.

Q. How do you know about the amount of money ?—A. I saw it paid to the men each day.

Q. You formed your judgment from observation. Have you any figures as to the amount ? Have you ever examined the pay-rolls or the time-rolls ?—A. It is simply what I saw at the time.

Q. And it is your judgment that it was \$2,000 ?—A. Yes, sir.

Q. But you could have done it for \$400 ?—A. I said I could have put it in as good condition as it is now for \$400.

Q. And you do not consider it in good condition now ?—A. No, sir.

By Mr. ELDRIDGE :

Q. What is the trouble ?—A. It is a very sandy road, and they throw the sand into the road, and the rains wash it back into the ditches.

Q. Is the road completed ?—A. No, sir.

Q. What is the reason ?—A. I do not know.

Q. Has the weather been suitable ?—A. A portion of the time it has not been good.

Q. Is the difficulty that the sand is thrown up in bunches and not leveled ?—A. It has been so, but the sand easily washes down to its proper condition.

Q. How is the portion that is graveled ?—A. That is good.

Q. What is the intention as to the other ?—A. I presume it is the intention to gravel it.

Q. Did you gravel it ?—A. I put clay with the sand.

Q. Has that needed to be worked over again ?—A. Yes, sir ; because I had not money enough to make it durable, and there has been heavy travel over it.

Q. That was done for \$400 ?—A. Yes, sir.

Q. But that was not enough ?—A. No, sir.

Q. Have they graveled it thicker than you did ?—A. Yes, sir. I do not complain of the way they commenced the road at all, and the complaint is not against the board of public works at all ; it is against the commissioner of that district, in not attending to his business.

Q. Who was the commissioner ?—A. Mr. Whiting.

Q. Where does he live ?—A. Over in that neighborhood.

Q. Did you ever make any complaint of him to the board of public works ?—A. No, sir ; he is a friend ; I never spoke ill of him.

Q. Does he neglect his duty ?—A. I judge that he does ; I should think I did, if I had a business like that, and was never found on the road.

Q. Does he hire the men ?—A. I think the man that has charge of the work hired them ; I had a horse and cart on the road, and got \$2 50 a day for it.

- Q. Was that a reasonable price?—A. Yes, sir.
- Q. How many old men, not fit to work, were employed there?—A. A good many.
- Q. Where did they find them?—A. They picked them up there; a majority in the district are colored people.
- Q. How many of these old men did you see employed?—A. Six or eight, I think.
- Q. How many in all?—A. Twenty or thirty.
- Q. You saw one horse not fit to work, and that staggered?—A. Yes, sir.
- Q. Who owned him?—A. A man by the name of Jackson.
- Q. Was he a poor man?—A. Yes, sir; they are most of them poor.
- Q. What are your politics?—A. I am a republican.
- Q. Who employs this Mr. Whiting?—A. The board of public works gave him his commission; he does not own any property there.
- Q. What sort of a man is he?—A. I have nothing to say about him, unless it is insisted on.
- Q. I insist on an answer.—A. He is a dissipated man; I have seen him very much under the influence of liquor.
- Q. Was he a capable man to fill that place if he had not been a drinking man?—A. He has been a sailor all his life. I think a man brought up on land would understand road-making better than one who has spent his life on the sea.

WASHINGTON, D. C., *March 23, 1872.*

M. A. STONE duly sworn and examined.

By Mr. CRANE:

Question. Where do you live?—Answer. Over the Eastern Branch, in the first district.

Q. State briefly what you know of the improvements in the first district.—A. I think it has been done in a very loose manner. Mr. Whiting is not on the road, leaving it entirely to an overseer to take the time, and everything else; I never saw Mr. Whiting on the road attending to his men at all. I agree with Mr. Miller as to the manner in which the work is being done.

Q. Did you vote for the four-million loan?—A. I did.

Q. Do you consider that the money is expended in an economical manner?—A. No, sir; not by any means; I think it is squandered.

By Mr. STARKWEATHER:

Q. You speak only of the section over there?—A. No, sir. I had a team to put on the road, and they would not allow me to put it on until I joined the republican club.

Q. You were a republican anyway?—A. Yes, sir; and I was for the loan.

By Mr. ELDRIDGE:

Q. Did you join the club for the sake of putting your team on?—A. I paid 20 cents, and joined the club.

Q. How many days' work did you get for that?—A. I do not remember.

Q. How many days did your team get by it?—A. I do not remember; altogether I think it worked about two months.

Q. You got all that by paying 20 cents in to the republican club? What price did you get for the team?—A. I got \$4 a day for a two-horse team; afterward my team was taken as a plow team, and they allowed \$6 a day.

Q. Was not that an extravagant price?—A. I do not know; they put their own price.

Q. Did you do anything extra for the club for the sake of getting your team on—speak for them, or anything of that kind?—A. No, sir; I attended meetings and sat back.

Q. Did not you hurrah for them?—A. No, sir.

Q. Supposing a democratic club had offered you 40 cents to join them; would not you have joined them?—A. No, sir.

By Mr. CHIPMAN:

Q. You were not influenced by the resolution of the club to join it?—A. No, sir.

By Mr. ELDRIDGE:

Q. Don't you think it was an act of oppression that you should be compelled to pay that money?—A. O, no.

Q. What do you suppose was done with the money?—A. I do not know.

Q. Was it used to get democrats into this infernal organization?—A. I don't know; there was one democrat that joined us.

Q. Did they get him into the club?—A. O, yes, sir; he was a good republican for the sake of getting his team on the road.

Q. He had his team on the road?—A. Yes.

A. Were there other means of corruption used that you know of?—A. No, sir.

Q. Did he get his team in as a plow-team any time?—A. No, sir; it was not fit for a plow-team; it was rather a weak team—a regular democratic team.

By Mr. CHANDLER:

Q. How came you here as a witness?—A. I was summoned last night.

Q. Did you tell any one that you wished to testify?—A. I did not; and I don't know how I came to be summoned.

Q. Have you been making complaints of Mr. Whiting?—A. No, sir; no more than my neighbors.

By Mr. CHIPMAN:

Q. Was not this republican club a mere local affair?—A. Yes, sir; it was got up in Whiting's interest, and to get Brown re-elected.

WASHINGTON, D. C., *March 23, 1872.*

JOHN F. MURRAY duly sworn and examined.

By Mr. CRANE:

Question. Are you a member of the house of delegates?—A. Yes, sir.

Q. Were you present at the Union Club-House last summer at any time when lunches were served to the members of the house of delegates?—A. I believe I was there on one occasion.

Q. Was the matter of the four-million loan discussed on that occasion?—A. I think it was at the instance of some members of the legislature that the invitation was given to the board of public works to come there, that the subject of improvements might be discussed.

Q. Did you receive any money from Hallett Kilbourn to aid your election?—A. I did not myself; the finance committee connected with the club in my district got \$50, I understood.

WASHINGTON, D. C., *March 23, 1872.*

Mr. GREEN asked permission to put in evidence the following prospectus, and no objection being made, it was received:

[Translated from the Frankfort Zeitung.]

PROSPECTUS.

FOUR MILLION DOLLARS.

Loan of the city of Washington, and the District of Columbia, United States of North America; capital payable in legal currency of the United States on the 1st of July, 1891. Interest at 6 per cent., payable in gold semi-annually, free from taxes, on the 1st of January and 1st of July each year, at the First National Bank in New York.

By an act of Congress of February 21, 1871, the District of Columbia, which is composed of the cities of Washington and Georgetown and the county of Washington, was authorized, for purposes of improving and beautifying Washington, the capital and seat of Congress, to raise a loan, which, however, is not to exceed 5 per centum of the taxable real and personal property, estimated at one hundred and ninety millions of dollars.

In view of the above the District government has passed a loan of \$4,000,000, which act was legally sanctioned by a vote of the people of the District on the 24th of November, 1871.

The District of Columbia, according to the last census, has a population of 175,000 inhabitants. Of these Washington, the capital of the Union, which counted in 1860 only 61,000, contains now 109,200, and the population is rapidly increasing.

The administration, by act of Congress of February 21, 1871, is directly under the control of the Congress of the United States, and has a governor, who is appointed by the President of the United States.

Washington is the seat of all the superior Government departments, and the ambassadors and ministers of all nations accredited to the Government of the United States reside here.

Besides the guarantees secured to the creditors by this exceptional position, the state of the finances of the District of Columbia and of the city of Washington is exceedingly favorable, as it was officially ascertained that on the 31st of May, 1871, the entire indebtedness of the cities of Washington and Georgetown and the county of Washington amounted only to \$3,090,492 27, against a taxable real and personal property value of \$190,000,000

Of this \$30,000,000 represents taxable property belonging to the United States Government. The annual revenue from taxes amounts to \$1,600,000, besides the amount which the Government of the United States will contribute. Indeed, the President's message of the 4th December, 1871, recommends that Congress shall appropriate moneys for the general purposes of Washington City, and expresses itself in the following words:

“DISTRICT OF COLUMBIA.

“Conformably to the resolutions of the act of Congress passed on the 21st February, 1871, a territorial government for the District of Columbia was organized. The results have thus far fully realized the expectations of its advocates. By direction of the territorial officers, a system of improvements has been commenced, by means of which Washington is in the best way to become a city such as the capital of the nation deserves to be. As the citizens of the District have taxed themselves, of their own free will, to a large amount, in order to contribute to the embellishment of the seat of the Government. I recommend liberal appropriations on the part of Congress, so that the Government may bear its just proportion of the cost of consummating a comprehensive system of improvements.”

If, as shown above, the political and financial *status* of the city of Washington offers all guarantees in regard to the solidity of this loan, the creditors will have another considerable advantage, inasmuch as by the law of the 19th of August, 1871, a regular sinking fund for these bonds has been provided, and a special commission, composed of four officers, appointed by the governor, has been charged with the execution of this measure. The provisions relating thereto are printed on each bond. The bonds are of denominations of \$1,000, \$500, \$100, and \$50, and are issued to bearer. Subscriptions for the above \$4,000,000 will be taken by the following banking-houses:

Passavant & Co., Basle.
 Marcuard & Co., Berne.
 German National Bank, Bremen.
 Eduard Kölle, G. Mueller & Sons, Carlsruhe.
 Seligman & Stettheimer, Austrian-German Bank, Frankfort.
 A. Chenevière & Co., Lombard, Odier & Co., Paccard & Co., Geneva.
 Anglo-German Bank, Hamburg.
 Leipsic Union Bank, Leipsic.
 M. Kahn Sons, Mannheim.
 Bavarian Union Bank. Merck, Christian & Co., Munich.
 Mayer Kohn, J. Em. Wertheimer, Nuremburg.
 Seligman Frères & Co., Paris.
 Royal Wurtemberg Court Bank, Stuttgart Bank, Stuttgart.
 Bank in Winterthar, Winterthar.

On Wednesday, the 10th, and Thursday, the 11th January, 1872, and only at the rate of 91½ per cent. (the dollar equaling 2½ florins s. w.) for the capital and back interest from the 1st January, 1872, up to date of paying in.

The right is reserved to reduce the amount subscribed proportionally. On signing 10 per cent. of the nominal amount subscribed must be deposited in cash, or in bankable funds, until the bonds are delivered.

The bonds, or until they are received, the provisional papers representing the same, will be handed over from the 24th to 31st of January, the amount subscribed for being paid in cash at the respective banking-houses.

The documents bearing on this loan, as well as the original bonds, are open to inspection at all the above banking-houses.

SELIGMAN & STETTMEIER,
Austro-German Bank.

FRANKFORT-ON-THE-MAIN, *January 5, 1872.*

WASHINGTON, D. C., *March 25, 1872.*

HENRY S. DAVIS sworn and examined.

To Mr. COOMBS:

I reside at 708 E street north, Washington City; my occupation was that of a carpenter when I followed business; I quit business in 1859; I have lived here since 1833; I served my apprenticeship here, and afterward commenced business for myself; I followed that business and dealt in property.

Question. You have done a good deal of building here?—A. Yes, sir.

Q. What are your means of forming an opinion as to the value of real estate in the District?—A. I have been dealing in it thirty years, right straight along; and I think I have some idea as to the value of real estate.

Q. You have bought and sold a good deal of property yourself during that time?—
A. Yes.

Q. As a general rule, how does the assessment on property in this District compare with its cash value?—A. Property is a good deal over-assessed, and was, even under the assessment of 1869. There is no doubt about that; my impression is that the entire cash value of property in the District of Columbia will not exceed \$60,000,000, and I state this after serious and strong reflection, bringing my mind back to my early transactions in property. Under the old charter the tax on property was limited to 75 cents on the \$100. As the city grew up, the small tax allowed to be levied was insufficient to support the corporation authorities and keep up any kind of improvements at all; and, by general consent, the people wanted the charter changed so that a little heavier tax could be levied. During the period prior to the change of the charter, the property became over-assessed; I have bought property here myself for 18 cents a foot, one-fourth cash, and the balance in one, two, and three years, which was assessed at 75 cents. I sold for some heirs, last November, a house, for \$5,500, \$1,000 cash and the balance in 6, 12, 18, 24, and 30 months, which was assessed at \$9,418; that has been a business piece of property ever since 1820; it is immediately back of the National Hotel; it used to be a tavern—the Farmers' Hotel; it is now a restaurant.

Q. Did I understand you correctly, that you supposed this excessive assessment grew out of the fact that the charter limited taxation to 75 cents on the \$100?—A. That is what I mean; and the people made no complaint about it; by general consent, property was put up, so as to increase the amount of tax.

Q. Have many instances come within your knowledge where property was assessed far above its cash value?—A. I cannot speak personally of many instances; owners and agents of property have asked me about the cash value of property, and told me about the assessments on it, and of the sales which they had made, and which were far below the assessed value. A gentleman told me a short time ago that he had set up a piece of property which was assessed at 50 cents a foot; he did not get what he thought he ought to get for it, and he withdrew it; he set it up a second time, when it was assessed at 60 cents a foot, and he got 13 cents a foot for it; that was on E street, near First.

Q. Do you know anything about the last assessment?—A. Only so far as my own property is concerned.

Q. How does it affect your property?—A. The assessment on my property was increased something like \$55,000, I think.

Q. Did you go to the appeal board about it?—A. I did not; I asked Mr. Donahoe, who used to be in the clerk's office, to overhaul my tax-list, and show the assessment of 1869 and the late assessment. I went over each, and I find that the assessment is increased something over \$55,000; I think my property was fully assessed before. I may have had some pieces of property not assessed quite high enough, but other portions have been assessed too high; taking the average, I think it was a full assessment.

Q. What is your opinion as to the cash value of property in this District since the institution of the new government, as compared with the prices a year or two before?—A. My opinion is decidedly that property, on the average, is 15 per cent. less than it was a year ago. The people were generally in favor of the change of government; I was in favor of it myself; our matters had been managed very badly, and I was very much in favor of a change. When this four-million loan was started, I could not see the necessity of borrowing so much money at once to be paying interest on; we were all in favor of improvements; I do not know a single property-holder in Washington who was not in favor of them; but we necessarily, and very justly, I think, became alarmed at the manner in which the board of public works started to do business; it was a haphazard, heels-over-head sort of way.

The CHAIRMAN intimated that the witness was rather wandering from the question.

WITNESS. I wish to explain that I am not an opponent of the present District government, and am not here trying to get it altered.

Q. Do you know any facts in relation to the effect which this change of government has had in attracting or diverting capital to or from the District?—A. I have seen people selling their city bonds and turning them into money so as to avoid taxation; not United States bonds, but bonds that are taxable here.

Q. Are you acquainted with the prices of grading, paving, &c., established by the board of public works?—A. I am.

Q. What is your opinion as to the reasonableness or fairness of those prices?—A. I made an estimate of the actual cost of wood pavement, if well done. The \$3 10 per yard which the board of public works, in their printed statement, allows a contractor, allows a profit of \$1 40 per yard, with the present wretchedly done work; and, if the work was done well, would allow a profit of \$1 19 and a fraction. A thousand feet of lumber will lay 18½ yards of pavement, at 6 inches in depth. I allow for that lumber \$25; I think it costs about \$22. Hauling that thousand feet of lumber would be \$1; sawing, \$2. The actual cost of sawing is \$1 40, and this paving company has its own sawing-machine; but I allow the same price as if it had to pay for sawing. Laying 18 yards of pavement, on sand 2 inches deep, costs \$3. The sand costs \$2 25. For pitch I allow 6 cents per yard, which is a heavy

price for it. This makes the cost of 18 yards of pavement \$34 36, giving a profit, on the board prices, of \$21 44.

By Mr. HARMER :

Q. In your estimate, where do you place the grading?—A. In their published list they make an additional allowance for grading. They allow 40 cents a foot for the first two feet, on account of gravel, and 20 cents a foot below that. The grading is a separate item.

By the CHAIRMAN :

Q. You make out a profit of about \$1 20 a yard on wood pavement?—A. Yes; and the way they do it the profit is a good deal more.

Q. But, according to your figures, the profit is how much?—A. One dollar and nineteen cents and a fraction.

By Mr. ELDRIDGE :

Q. Have you taken into consideration the keeping the pavement in repair for three years?—A. No, sir. I never saw anything of that sort published.

Mr. CHANDLER. That is the advertisement.

WITNESS. They did not publish that.

Mr. CHANDLER. The call for bids states that the contractor is to keep the work in repair three years.

By Mr. COOMBS :

Q. Would a good wood pavement need any repair for three years?—A. Certainly not, if laid right. Our soil here is all clay, not like New York, where it is all sand; and I have seen them putting down pavement, on Twelfth street, right down on the clay. You can go there and pick it up now and you will not find an inch of sand under it. There is not a bushel of sand in ten cart-loads of it.

Q. State whether you have had large experience in buying and selling as well as working lumber.—A. Yes, sir. I furnished the Government with a good deal of lumber during the war. Besides, I have been dealing in lumber all my life-time. I had a lumber-mill, which I sold out in 1867.

Q. In making your estimate of the cost of wood pavement, you refer to the kind generally laid here, where the blocks are laid on sand foundation, not on board foundation?—A. Yes, sir; I think the pavement is a good deal better laid on sand than on boards. There is no doubt of it, in my mind.

Q. Have you examined the sidewalks laid here?—A. Yes.

Q. State what is their character.—A. The character of the new sidewalks all over the city is wretched. It is outrageous. No man, who knows anything about it, can help seeing it.

Q. What do you know about the cost of the sidewalks?—A. Brick sidewalks can be laid for 12½ cents a yard. A man can lay forty yards a day and do the work well. As it is done here he can lay fifty yards a day very easily. I have estimated the cost of the bricks at \$11. They are using red, pillar, salmon, and some paving bricks; they are using all kinds of bricks. I allow 12½ cents a yard for sand. That allows two inches of sand, which is more than they put in. That comes to 65 cents; and, at the allowance of 80 cents per yard, the amount first fixed, the contractors make 25 per cent. on every yard of brick sidewalk. This is a wholesale business; it is not retail. Here are millions of dollars being spent at such prices as these. This city cannot stand it. The sidewalks are very badly laid. You can scarcely walk over them without stumping your toes, on account of the unevenness of the surface. They do not put sand enough under the brick to lay it even; it cannot possibly be done. In widening the sidewalk they take up the body of the street and throw the stuff on the sidewalk, so that they do very little hauling. They fill up the doorways of people's houses. The amount of destruction to property, in the way the board of public works is going on with these improvements, it is impossible for any man to calculate.

Q. What destruction do you refer to now?—A. The board of public works has undertaken to grade this entire city. Every street that they touch they regrade. Such a thing was never heard of in any other city in the world. They come along, and the front steps of your house, which is the most costly thing about a house, particularly if they are built of stone, are filled up. You have got to take down these steps and rebuild them to make your house look right. Then they come along again and cover you up another foot or two, and throw your parlor below the ground. That is an injury to your property; you cannot let it. You have got to go to work and make alterations in your house so as to make it habitable.

Q. Suppose they cut down the street 4 or 5 feet, what effect does that have?—A. That has a bad effect. In some places where they cut down streets they only cut them to the pavement-line. Then they terrace up to the buildings and build brick walls up to the sidewalk. All these brick walls must fall; they cannot stand. Just as soon as the ground gets frozen enough these walls will be pushed out just like a piece of paper.

Q. Have you observed the taking up of old sidewalks here, which were really, in many instances, good sidewalks and recurbing?—A. O, yes; they are doing it all the time. I have been in all the cities of the United States of any consequence—North, South, East, and

West—and not one of them has such good sidewalks as we have here. We have the widest and best sidewalks. Of course, a stone sidewalk is more costly and more durable, but it is not so good or pleasant a sidewalk in wet weather as the brick. I consider the brick sidewalk as the best ever laid. I have heard a good deal of complaint about taking up the sidewalks, carrying off the bricks, and bringing new bricks, and laying them down again.

Q. Have you made any estimate of the cost of improving all the streets of the city in the manner in which the board of public works has commenced improving many of them?—A. After reading the prices fixed by the board of public works, I sat down and made an estimate for one street. There are 3,604 acres of streets in the city of Washington, not touching Georgetown at all. I took Massachusetts avenue. I could not get the length of the street itself; I got the aggregate length of all the streets, but not the length of any single street. I estimated the length of Massachusetts avenue at five miles, which is about its length. I went over the list of prices allowed, and I made what I considered a fair average price for the pavement. I set down the pavement at \$2 75 a yard. I estimated the sidewalks at 80 cents, the curbing at \$1 07, and the sewerage at \$2 50. I put down the whole grading at \$50,000. Three hundred and fifty-two thousand yards of pavement of carriage-way at \$2 75 would amount to \$968,000; 108,171 yards of sidewalk paving, at 80 cents per yard, to \$86,530 80; curbing, to \$52,000; sewers, man-holes, and traps, to \$48,000; total, \$1,326,808 69. Then I estimate damage to property at 15 per cent, \$199,021 30, and over-measurement at 10 per cent., \$132,680 89, making the sum total \$1,658,510 85. This is all for Massachusetts avenue. I called upon the press generally to publish this article, (exhibiting a printed statement to the committee,) but none but the Patriot published it.

By the CHAIRMAN:

Q. Why do you combine the expense of grading, paving, curbing, and sewerage with the 15 per cent. damage to property? It appears to me that the damage ought to stand by itself.—A. I have put it by itself. I make the total cost without that \$1,326,808. Then I estimate the damage to property at \$199,021 30, and the overmeasurement \$132,680, and I make the whole cost at that rate \$1,658,510 85.

By Mr. ELDRIDGE:

Q. You call Massachusetts avenue five miles long?—A. Yes.

Q. Do you think that if Massachusetts avenue were paved, carriage-way and sidewalks, and were sewerred, property on that street would be injured 15 per cent.?—A. I do not suppose that it would, because Massachusetts avenue is not built up.

Q. Then that would not be a proper item.—A. I have put it down by itself.

Q. Supposing Massachusetts avenue to be completed five miles, with the grading as provided for, and as you have estimated for, and with the carriage-way, sidewalks, sewerage, man-holes, traps, and everything else complete, is it your opinion that property would not be worth more on that avenue than it now is?—A. That depends entirely upon how it is graded.

Q. Suppose it graded just as you have estimated?—A. If the street is not raised or lowered in front of property there would be no damage.

Q. If it was done just according to your estimate, would you say that the property was not increased in value by it, and was not necessarily worth more?—A. No, sir; I would not say that, because, as I told you, I am in favor of improvement. But I am not in favor of damaging. It is the damaging that I object to.

Q. Supposing that all the money you estimate for it were laid out on Massachusetts avenue, and the work done reasonably well, would or would not that add to the value of the property?—A. I have just answered that question by saying that I believe that the improvements will add to the value of property, provided there is not too much damage done. Where the damage to property is so excessive, improvement is a very dangerous thing. You must make some estimate for damages.

By Mr. ROOSEVELT:

Q. Have they undertaken to make this improvement in Massachusetts avenue?—A. Not that I know. I just took up that street to see what it would cost to pave Washington under a comprehensive system, as they call it.

Q. It is merely a supposititious case, not an actual one?—A. Not an actual one.

By the CHAIRMAN:

Q. There is no plan proposed that you know of by which there is to be any great cutting or filling on that avenue?—A. There would be a good deal of cutting on the northern part. I suppose the cutting in some places must be 20 feet.

Q. Have you seen any plan for grading Massachusetts avenue?—A. No, sir.

Q. Would you advise cutting it 20 feet?—A. I have not been over it lately; but they are cutting through there.

Q. Then you are simply supposing the cost of cutting, and paving, and sewerage a street five miles long, on a plan not submitted, and of which you know nothing; and then you estimate 15 per cent. damage to property?—A. I estimate the 15 per cent. damages on general principles. I show what it will cost to improve this street; and I make a separate

item of this matter of damages. So far as the first figures are concerned, they cannot be got over.

By Mr. ELDRIDGE:

Q. What do you mean by 10 per cent. for over-measurement?—A. Every bit of work done in this city, I believe, is over-measured 10 per cent.

Q. You make this calculation in your suppositious case on the principle that work is generally 10 per cent. over-measured?—A. Yes, sir, I do. A resolution passed Congress appointing a commission to improve M street, at the request of the property-holders. General Michler, Mr. Emery, the mayor, and three other gentlemen were appointed commissioners. They had got to work and made contracts. Shortly after they had started, a resolution was passed turning over the work to the board of public works. The property-holders there were willing that the board of public works should take it, because under the old law they would have had to pay the whole cost, while under the new law they would only have to pay one-third of it, and the balance would be assessed on the city. There is not quite six acres in that street; but I estimated it at six acres, so as to give them the full benefit. The cost of that street over and above the contracts made by the commissioners, is \$38,850 odd, and the property-owners refuse to pay their share.

By the CHAIRMAN:

Q. What were the contract prices?—A. The contract for sewerage, man-holes, and traps was, under the commissioners, \$18,934; and of paving and grading, \$87,609 10; total, \$106,553 10. Under the board of public works, the cost of sewerage, man-holes, and traps was \$24,533 10. The cost of paving and grading under the same was \$120,774 36, making \$38,851 39 over the contract price, or something more than 36 per cent. more than would have been paid had the work been done by the commissioners.

By Mr. ELDRIDGE:

Q. Is that the consequence of over-measurement?—A. Of course it must be over-measurement.

Q. It depends altogether upon that?—A. Of course it must be over-measurement.

By the CHAIRMAN:

Q. Do you know as a matter of fact that the work was over-measured to the extent of \$38,000?—A. I do not know, but that is what the figures show.

Q. You charge that \$38,000 has been paid for over-measurement, which must be a fraud; now do you know what the actual measurement was?—A. No, sir; but I know that I measured the street as well as I could measure myself.

Q. Did you go over the ground yourself?—A. No, sir; I took the plat of the city, which gave me the width of each street from Third to New Hampshire avenue. The plat-book lays down the front of each square, and by taking the squares and adding them together, and by adding the width of the streets to them, you cannot go amiss.

Q. How many square yards did you make it?—A. I do not believe that I have the number of yards down here. I estimated it at six acres. I estimated it just according to how the law was made; I think, from Third street to New Hampshire avenue.

By Mr. ELDRIDGE:

Q. What do you make it out that the work would have cost had it been done by the commissioners?—A. I make it cost by the commissioners \$87,609 10.

Q. How do you get at that sum?—A. By the contracts. I measured the streets and allowed so much for sewers, &c.

Q. Do you know how the commissioners would have measured it?—A. There is only one way of measuring streets.

Q. You said that it would cost so much if done by the commissioners, and you undertook to show the difference in the cost; how did you get at it? Is that the estimate made by the commissioners, or is it your estimate of what would have been the estimate of the commissioners?—A. It is the commissioners' contract. Their contract for sewerage, man-holes, and traps was \$18,934. That is the price written and signed in the contract. The cost of paving and grading under the commissioners would have been \$86,609 10. That is estimated at \$3 10 a yard. That was the contract price under the commissioners. The two sums amount to \$106,543 10. That is the total cost of the work under the commissioners. The total cost under the board of public works is \$145,394.

Q. How do you make out that sum?—A. By the bills. They charged for cost of sewers, man-holes, and traps, \$24,620 23.

Q. Have they ever paid that?—A. They have refused to pay it. These are the bills presented. I got the assessment from the clerk's office. The cost of paving and grading under the board of public works was \$120,774 26. These are the figures given me at the clerk's office.

By Mr. CHANDLER:

Q. Have you got the quantities?—A. I do not see the quantities given in this article, but I did estimate the quantities.

By Mr. ELDRIDGE:

Q. I understood you to say that the difference arose from over-measurement by the board of public works?—A. I say it certainly must have arisen in that way; it cannot have been in any other way.

Q. The price under both was the same?—A. Yes; unless they have done work outside of the law. If they have done any work outside the law, that is their business, not mine; but if they have done M street as the law was passed, they have paid over \$38,000 more than they were allowed to pay.

By Mr. CHANDLER:

Q. Do you not know that the difference was caused not by over-measurement, but by additional work done by the board of public works in paving at each end of the road and extending the pavement up the side streets?—A. I know that they have extended the pavement across each street about 17 feet.

Q. To cover the width of the sidewalks?—A. Yes; and I know another thing that they have done. They have taken up the crossings, which is worth \$4 50 a foot at least, and Mr. Emery told me that they have never accounted for them.

Q. Did not the board of works in each case pave up the side streets, the width of the sidewalk?—A. Yes.

Q. And would not that make additional work?—A. Yes.

Q. At Vermont avenue and Fourteenth street did they not extend beyond the limits of the original law and pave round the circle?—A. Yes, and they did it at the other end too.

Q. You think that was contrary to law?—A. I know it was.

Q. But you have no reason to doubt that the actual work was done?—A. I did not measure the extra work.

Q. You did not include it?—A. I did not, because it was not within the law, and it shows that they have no respect for the law. I can go there and measure the whole of it within half a day and give you the figures. All the extra work they have done will not, I think, reach \$6,000.

By Mr. COOMBS:

Q. Suppose they did pave up these cross streets, would that be properly chargeable to the property-holders on M street?—A. Not at all; it should be charged upon the other streets.

Q. According to your calculations for Massachusetts avenue, what would all the streets of the city cost for paving and sewerage?—A. It would come to \$108,120,000.

By Mr. HARMER:

Q. When you spoke of the assessed value of property, and named a depreciation of 15 per cent., what dates did you fix for the comparison?—A. I stated that property, in my judgment, (and I have carefully considered it, too,) has decreased in value since the board of public works started the four-million dollars loan and commenced to improve the city in this hap-hazard and reckless manner.

Q. Do you mean 15 per cent. within the last year or two?—A. I mean that the depreciation has taken place entirely since the board of public works has commenced operations.

Q. It is your opinion, then, that real estate in this city has depreciated 15 per cent. within that time?—A. It has.

Q. This property that you spoke of as having been assessed at \$9,000 and sold at \$5,500—how do you account for the difference in price; was there any local cause to depreciate that property?—A. One of the objections to the sale of the property at all was that the board of public works was going to tear up the street and damage the property.

By Mr. DARRALL:

Q. Did I understand you to mean that the board of public works had refused to pay the bills on M street or that the property-holders had refused to pay them?—A. The commissioners refused, every man, to pay the taxes levied on them, and have not paid them to this day.

Q. Do you know whether the board of public works has paid the bills?—A. I do not.

By Mr. COOMBS:

Q. Did you receive a circular of this kind from the city government, [handing a printed paper to witness?—A. I suppose this must have been the circular which they sent me to fill up. I filled up a paper something like this.

Mr. COOMBS offered the paper in evidence as follows:

“DISTRICT OF COLUMBIA, 1872.

“LIST OF MIXED AND PERSONAL PROPERTY.

“Section 5 of the act of the legislative assembly of the District of Columbia, entitled ‘An act providing for the appointment of superintendent of assessments and taxes and assessors, and for the immediate assessment and valuation of real, mixed, and personal property in the

District of Columbia,' approved August 9, 1871, provides 'That to secure a true and correct return of all mixed and personal property taxable under the provisions of this act, every person, corporation, association, company, or firm, shall, under oath or affirmation, within fifteen days after being required to do so by the superintendent of assessments and taxes, or either of the assessors, furnish to him or them a full, particular, and correct list of all and every species of such property made taxable by this act which may be owned, held, controlled or managed in any manner by such person, corporation, association, company or firm, either for himself or herself, or as part owner, trustee, guardian, or agent, administrator, or executor, designating the manner in which the same is held. The said returns shall be made by each person by filling up the blanks, which shall be prepared by the superintendent of assessments and taxes, and furnished by the assessors as hereinafter required.'

"Section 7 requires 'that each assessor shall have an office in the district for which he may be appointed, which shall be kept open daily (Sundays excepted) from 8 a. m. to 12 m., and from 5 to 7 p. m., for the purpose of receiving returns of mixed and personal property, as herein required. If any person, corporation, association, or firm, at whose residence or place of business the assessor shall have left a blank return, shall neglect or refuse to return the same as required herein, or shall make a false, partial, or incorrect list of the property which should be included therein, or shall hinder or obstruct the superintendent of assessments and taxes or any assessor in the performance of his duty, such person, corporation, association, company, or firm shall, for every offense, forfeit and pay to this District a fine not less than five dollars, nor more than one hundred dollars, to be recovered in the name of the District of Columbia in the police court of said District, according to the practice of said court in District cases.'

"Section 12 provides 'that any one who shall swear falsely to any matter or thing required by this act to be sworn to, shall be subject to all the liabilities and penalties now existing against false swearing in the District of Columbia.'

"NOTE.—The law makes it the duty of each assessor to assess all persons who shall neglect or refuse to fill up this return and deliver the same to him, with such property, mixed and personal, as he may deem just, on his own knowledge, or on the best information he may obtain, and the law declares that such assessment shall, in all respects, be regarded as correct.

"*Value of all mixed and personal property not exempt by law, owned, held, controlled, or in any manner managed by ———, of No. ———, ——— street, city of ———, District of Columbia, made taxable by acts of the legislative assembly of the District of Columbia, approved August 9, 1871, and August 23, 1871.*

	Amount.	Income.
1. Bonds, promissory notes, and other securites bearing interest		
2. Household furniture and other personal property not mentioned above.....		
Total.....		

"DISTRICT OF COLUMBIA, ss :

"———, having been duly sworn (or affirmed) according to law, deposes and says that the foregoing statement contains a full, particular, and correct list of every species of property, mixed and personal, specified in the foregoing statement, owned, held, controlled, or in any manner managed by me in the District of Columbia, for myself, or as trustee, guardian, or agent of any person or persons, and that I have not omitted from said list any property or thing mentioned therein owned, controlled, or managed by me in any manner whatever, (not exempt by law.)

"———.

"Subscribed and sworn (or affirmed) this — day of ———, one thousand eight hundred and seventy-two, before me.

"———.

"Assessor ——— District."

"PROPERTY EXEMPT BY LAW AND NOT TO BE INCLUDED IN THIS RETURN.

"Beds, bedding, household furniture, stoves and cooking utensils, not exceeding three hundred dollars in value; mechanics' tools and implements of trade or business, of the value of two hundred dollars; stock for carrying on business, of the value of three hundred

dollars; the library and implements of a professional man or artist, of the value of three hundred dollars; a horse, mule, or yoke of oxen, a cart, wagon, or dray, and harness for such team, and used in the regular business of the owner, or owners, for such teams; farming utensils and tools, of the value of three hundred dollars; family pictures and family libraries, of the value of four hundred dollars; one cow, one swine, six sheep; houses of public worship, hospitals, orphan and other asylums for the aid of the poor and destitute; burying-grounds belonging to the United States; goods, wares, and merchandise, or other articles of foreign or domestic growth, production, or manufacture in the hands of licensed wholesale and retail dealers; articles manufactured in this District, in the hands of the manufacturer or his agent or agents; stocks in any banking, insurance, or other incorporated or unincorporated company, located or established beyond the limits of this District upon which tax is laid and collected, or which by law is exempted from taxation by the State or power within whose jurisdiction such banking, insurance, or other incorporated or unincorporated company may be located or established; stock or public securities of the United States, and of the District of Columbia, and of any State, city, or town upon which a tax is laid and collected by the government or jurisdiction by which, or within which, such stocks and public securities may have been issued; hackney carriages, carts, drays, and running wagons under license by this District; the horses used for the same; promissory notes, drafts, bills of exchange, and other evidences of debt in the ordinary business or occupation of the people, and not held for profit or as investments; and the personal or mixed property of persons residing in the District of Columbia in the official discharge of legislative or judicial duties under the National Government."

[Indorsement.]

[FORM 1.]

"DISTRICT OF COLUMBIA.

"LIST OF MIXED AND PERSONAL PROPERTY, 1872.

"To ———, of ———, in the ——— district:

"Take notice that, in pursuance of the act of the legislative assembly approved August 9, 1871, you are required to make out a return, according to the forms within, and deliver the same to me, at my office, within fifteen days from the date hereof. This return must be delivered to the assessor of the district in which the person making it may reside.

"Dated this ——— day of ———, 1872.

"———,
Assessor, ——— District.

"Office at ———.

"Office hours from 8 a. m. to 12 m., and 5 to 7 p. m."

By Mr. ELDRIDGE:

Q. Have you bought property here within the period you have named?—A. No, sir; and I am not going to buy any.

Q. Have you sold any property within that period?—A. Yes; I sold some property on E street.

Q. What price did you sell it at?—A. I sold it at 75 cents a foot last July; and if I had it to sell now, I could not begin to sell at that price. That was just about what it cost me. I had had it a long time, and the street had been sewered and paved and sidewalks laid. The sale came to \$6,750, and I sold it for \$500 cash and the balance in one, two, and three years.

Q. What was that property assessed at?—A. I think it was assessed at 50 cents a foot.

Q. Was that more or less than its value?—A. It was assessed at more than its cash value, and it will not bring 50 cents cash to-day.

Q. But you sold it at 25 cents more than that?—A. I did in the way I sold it.

Q. Have you sold any other property within that period?—A. No, sir.

By Mr. HARMER:

Q. Has that same property been re-sold?—A. Not that I am aware of; I think not. This gentleman who bought the property bought it because he was afraid they were going to build some shanties there.

By Mr. ELDRIDGE:

Q. Do you want the committee to understand that property throughout the entire city is assessed above its cash value?—A. I say that the average assessment is too much decidedly.

Q. Do you know any property that is assessed for less than its value?—A. No; I never went down to look over the assessor's book, but I suppose there may be some property assessed at less than its value.

By the CHAIRMAN:

Q. Have you not had property of your own which you have sold within the last few

years and which had been assessed at one-third or one-half less than you got for it in some instances?—A. No, sir.

Q. In no case?—A. No, sir. I never sold but one piece of property for cash in my life. The CHAIRMAN. I do not care whether it was for cash or not.

WITNESS. There is a great deal of difference between a cash sale and time sale.

By Mr. ELDRIDGE:

Q. You say that you got \$500 cash for that piece of property that you sold on E street?—

A. Yes, and the balance in one, two, and three years, at 6 per cent. interest.

Q. How secured?—A. Upon the same property by a deed of trust.

Q. Do you consider the deed of trust as worth its face?—A. I do.

By Mr. HARMER:

Q. Do you know any other property that was sold at less than its assessed value, except that property which was assessed at \$9,000 and sold for \$5,500?—A. I stated a while ago that I did not know of any, but property agents have very frequently come to me to ask me about the value of property, and have stated in sundry cases that property was very much over-assessed.

Q. But you do not know that any property was sold at less than its assessed value?—A. I do not.

By Mr. ELDRIDGE:

Q. You spoke of persons who had sold their bonds since the law assessing such property. The law was changed on that subject so that now bonds are assessed as personal property?—A. The legislature passed some law assessing bonds as personal property. I do not recollect exactly what it was.

Q. I understood you to say they were city bonds?—A. They were city bonds, I believe,

Q. Heretofore those bonds were not assessed?—A. No, sir.

Q. Is there any law in this city to your knowledge by which money itself is assessed?—

A. No, sir; not that I know of.

Q. Then the object of selling bonds was to get non-taxable property?—A. Yes, sir; I suppose so.

Q. The assessment of this kind of property is just and proper, is it not?—A. It is; I think so; I voted for it.

Q. In your judgment has anything like a fair amount of personal property been assessed in this District heretofore?—A. I do not think it has.

Q. Have you made any estimate of what is the amount of personal property in this District?—A. It would be impossible for me to do that. I could not undertake to make such an estimate, but I have been always under the impression that house-furniture and personal property of that sort has been assessed too low.

Q. You say there is no law for the assessment of cash in hand?—A. None that I know of.

Q. How do you get this estimate for the M street improvement?—A. I went to the clerk's office and asked for it.

Q. Did they refuse to give it to you?—A. No, sir.

Q. Have you ever asked for anything there which they refused to show you?—A. No, sir. I went down to Mr. Morgan's room and told him I wanted the assessment and the cost, and he brought it to me. That is the only thing I ever asked for.

Q. Do you own property situated in different parts of the city?—A. Yes, sir.

Q. You have said that you had prepared for you the assessment of your property, under the old law, side by side with your assessment under the present law, and that your present assessment is \$55,000 above the other?—A. Yes, sir.

Q. You did not tell us, however, which part of your property was by the last assessment over-assessed to make up this \$55,000?—A. I think all my property is over-assessed. I have not got a single piece of property but is over-assessed.

Q. Would you be willing to sell your property at its assessed value?—A. I did not come here to barter and trade, but if you wish to come to see me at my house, I will talk to you about selling my property. That is not a fair question, and I will explain why it is not. I have got to be a sort of an old man. I am in no business, and am not able to follow any business. I have got my income, and that is all I have got to live on. I have been crippled for twenty years; and for me to make a change now would be very disastrous. But if I were a young man, in my health, I would take it in one second and a good deal less.

Mr. ELDRIDGE. I should not have asked the general question, but for the reason that you stated that your property is over-assessed. Now, in order to test your judgment on that, I want to know how you calculated it. You said that some of the property was assessed too high, and some of it not enough, but that the average was too high?—A. No, I did not say that. I stated that on the average I considered that property had depreciated 15 per cent.

Q. You said that they had raised your assessment \$55,000, and that you thought that your property was assessed at its cash value before?—A. I did. On the average I said it was.

Q. So that you are \$55,000 over-assessed?—A. Yes.

Q. Now, if that be so, I can see very readily how you would be glad to sell your property,

even at your age, if you could make \$55,000 over its cash value; and yet you put it conditionally, that if you were a younger man than you are, you would be glad to sell it. Do you really think that your property is assessed \$55,000 more than you would be willing to sell it for?—A. I do not know that I would say that.

Q. Provided you wanted to sell it, would you be willing to sell it for \$55,000 less than the assessment?—A. I have stated that I believe the property in this city all over-assessed on an average, and I tell you that if you want to make a trade with me for property, you may come to my house and we will trade.

Q. I am trying to find out whether your judgment is right on this subject. Are you willing to answer the question, whether if you wanted to sell your property, you would take \$55,000 less than its last assessment?—A. Whether I were to say yes or no, it has nothing in the world to do with this question.

Mr. ELDRIDGE. It certainly has something to do with it, because you fix the over-assessment of your property at \$55,000.

WITNESS. Yes, and I repeat that my property is assessed too high.

Mr. ELDRIDGE. That is, that it is assessed \$55,000 more than its cash value?

WITNESS. I think it is probably that much, if I were forced to put it under the hammer.

By Mr. POLAND:

Q. What is the net income of your real estate?—A. About \$10,000.

Q. What percentage is that on its assessed value?—A. I cannot answer such a complicated question without going into figures. It is mere guess-work.

By the CHAIRMAN:

Q. You have a great number of vacant lots which you have held for a number of years looking to a rise in property?—A. Yes; I have never been a speculator in property. I never bought a piece of property which I could not hold. I have bought property and let it lie.

Q. Do you hold some real estate on the avenue?—A. No, sir; I have some on Seventh street, E street, and Ninth street.

Q. What building do you own on Seventh street?—A. I own the corner property on Seventh and D streets.

Q. What is that property assessed at?—A. The ground is assessed at \$6 a foot, 2,500 feet, and the building is assessed at \$18,000 under the new assessment. It was assessed for \$10,000 before.

Q. Would you take \$33,000 for that property?—A. No, sir.

Q. Would you take \$40,000?—A. No, sir.

By Mr. ELDRIDGE:

Q. Is not that property worth more than \$50,000?—A. No, sir; no man will give me \$50,000 cash for it.

Q. Would you take \$45,000 for it?—A. Yes, if you buy the other property with it. Myself and my two brothers-in-law own the property above it. We have only one stairway to the upper building, which is a hundred-odd feet long. I bought this corner house to have an entrance to that building. I gave \$40,500 for it, one-third cash and the balance in one, two, and three years. I bought it two years ago last November. It was renting for \$1,500 when I bought it.

Q. And by the new assessment that property is assessed at \$33,000?—A. Yes.

By Mr. CHANDLER:

Q. Have you improved that property on the corner of Seventh and D since you bought it?—A. Yes, sir; I could not make it rent for anything at all till I had to tear it to pieces and take out the most costly part of the work that was in it.

Q. How much did you spend in improving it?—A. About \$7,000.

Q. How much rent do you get for it now?—A. A little over \$5,000. When I bought that property the building rented for \$1,500. The alterations took from it the most expensive part of the work that was in it; and the building, although it is renting for more, would not cost as much the way it is now as it cost in the first place. That building as it stands now could be built for \$10,000.

Q. But you spent \$7,000 on it?—A. I had to do it to make it rent. But if the building would not cost any more than \$10,000, should it be taxed for any more?

Q. What was the expensive work that was removed from the building?—A. All the interior part of it—heavy walls and vaults.

Q. Is that all the explanation you want to make about it?—A. Yes.

Q. What is the gross amount of your assessment of real estate?—A. I cannot tell that.

Q. As near as you can.—A. The best way to do it is to get it from the clerk's office. I could not come within \$20,000 of it.

Q. Come within \$20,000 of it.—A. I will not guess; I will send the figures up to you.

Q. Was your former assessment \$100,000?—A. Yes, I think it was.

Q. Was it \$150,000?—A. I do not know.

Q. Is it \$150,000 now?—A. I guess it is more.

Q. Then it was assessed before at between one and two hundred thousand dollars?—A. I do not know what it was assessed at. I will get the figures, and send them to the committee.

Q. Describe this property on E street, which you say you sold for 75 cents a foot, and which is not worth more than 50 cents.—A. It is square 469, lots 3, 4, and 5, I think.

Q. To whom did you sell?—A. To Mr. Acker, who lives right by.

Q. Have you been before the appeal board in regard to your assessments?—A. No, sir.

Q. Do you propose to?—A. I do.

Q. You say that you have not been able to get access to the laws of the District; have they not been published in the newspapers?—A. I cannot read laws in newspapers all the time. I have not got such a memory as you have.

Q. You take the Patriot, I see?—A. Yes, and the Republican, too.

Q. Have not the laws of the District been published in the city newspapers?—A. To some extent, but I cannot read laws in newspapers.

Q. When you made this estimate for Massachusetts avenue, you made no allowance for parking, but estimated the paving of the whole surface of the street?—A. I made an estimate for paving the surface of the street just as it is.

Q. If Massachusetts avenue was parked like K street, that parking would reduce the paving surface, would it not?—A. It would make a villainous street if it were.

Q. Villainous or not, would it reduce the paving surface?—A. I do not know what the cost of parking is. It seems to me that the parking costs more than the paving.

Q. You estimated the paving of the whole surface of the street from curb to curb?—A. Yes, sir.

Q. Are you not aware that in M street two sewers were laid by the board of public works, instead of one sewer, as originally contracted for?—A. The work was done just exactly as the contract reads. The contract was for two sewers.

Q. You were one of the memorialists, were you not? Were you not one of the principal injunctionists, who commenced injunction proceedings against the governor?—A. Yes, sir.

Q. You prosecuted those proceedings, and paid money for the purpose of prosecuting them?—A. I did.

Q. Have you not a good deal of feeling on the subject?—A. I have this sort of feeling about it: I see that the way the board of public works is going on, they are going to heap up a debt on this city which property will not bear; and therefore I think, and others think, that they ought to have some kind of proper system carried out here, under which people will be able to pay their taxes and live.

Q. You have had a great deal of feeling on this subject, have you not?—A. I have not any feeling against any person at all.

Q. You have a good deal of prejudice against the manner in which the improvement of the city has been undertaken?—A. I have just stated that I have.

Q. Have you not condemned the board of public works publicly in unmeasured terms?—A. I condemn what they are doing,

Q. Have you not denounced them violently during the last six months or year; have you not been in the habit of doing so?—A. I do so now; they are perfectly reckless.

Q. You have been in the habit of so expressing yourself?—A. I say so now.

Q. With a great deal of violence?—A. No; I do not know that there is anything of violence about it.

Q. Have you not been very violent in the expression of your opinion on that subject?—A. I am violent now, and I denounce them now; I do not believe they are as good as a pack of thieves.

Q. Is that the way you have been in the habit of speaking of them during the last six months?—A. No, sir; I never said that before in my life, but I tell you that now.

Q. Have you not denounced them as thieves about this city?—A. No, sir; I may have said something about their being no better than thieves.

Q. You think so now, at any rate?—A. I do indeed.

Q. Here are the prices of the board of public works, [handing witness a pamphlet.] Look at them, and see if you find two feet of grading provided for there in laying pavements?—A. This pamphlet I never saw before; what I saw, and what I made my estimate from, was a publication in the papers; but the board of public works change their system whenever they please; they change every day if they choose.

Mr. CHANDLER. I call Mr. Davis's attention to the fact that grading is provided for, although he says that the board of public works paid extra therefor.

WITNESS. I see here that they include two feet of grading; this is not what they advertised first for at all.

Mr. CRANE asked to submit a further statement of his own, in reference to the number of men employed by the city government, and read the following statement from the Patriot of this day:

“GENTLEMEN OF THE COMMITTEE: I am informed that severe comment has been made upon that part of my evidence given before the committee some time ago, in which I

stated that, according to my best knowledge and belief, more men have been employed, directly and indirectly, or controlled or influenced by the board of public works, and the various other branches of the District government, than there was majority for the four-million loan. That statement was not made rashly, but was the result of close observation and reflection. As it has been discredited, I now desire to submit a few figures, showing how I arrived at such a conclusion:

The total number of men in the employ of the board of public works by day's work, as shown by the reports of Assistant Engineer Carpenter, and other reports submitted by the board, was.....	4,570
(These figures are obtained by allowing one man to each cart, and three men to each plow, the usual proportion. See printed evidence, from pages 81 to 87.)	
Number of men employed on 207 contracts, allowing an average of 30 men to each contract, (see pages 75 to 80,) was	6,210
Number of contractors who have work, or expect work	500
Number of men employed in the water department, (see pay-rolls of water registrar)	123
Number of officers reported by Governor Cooke, (see pages 176 to 183)	387
Board of health and their employés, (see pages 183 and 184)	22
Members of the board of public works, with their officers, clerks, messengers, and watchmen, (see various reports of board)	145
Temporary clerks, paid out of contingent funds	35
Board of metropolitan police, with the detective force, and men under their control, some of whom are members of paving companies, and others engaged in contract work	500
Editors and proprietors of fifteen newspapers, with their employés	300
Merchants and mechanics selling goods to, and doing work for, the District government	500
Number of men employed in the fire department	61
Paupers from the alms-house	46
Number of men controlled by Hallet Kilbourn's fund, at \$3 per head	700
Total	14,099
Majority for four-million loan, as per official report of Governor Cooke	13,547
Number of men employed, directly and indirectly, by the District government, and exceeding the majority for the loan	552
(There may be a few slight errors in these figures, but they cannot materially affect the results.)	
The total number of votes registered at the April election, as per official report, was	28,502
The whole number of votes for the loan in November, as per official report, was...	14,760
Number of voters against the loan, or who did not vote on the question, allowing that the voting population of the District was no greater in November than in April	13,742

"It is fair to presume that all or nearly all of these 13,742 voters were opposed to the loan. Messrs. Seligman & Bro. advertised throughout Europe that the loan was indorsed by the unanimous voice of the people. I have shown, by official figures, that it was only carried by a majority of 1,018 of the voting population as registered in April. I am satisfied that this small majority could easily have been overcome, if the board of public works had minded its own business, and the press of the District had not been subsidized by \$140,000 of advertising and printing. There were two causes which resulted in the passage of the four-million loan act:

"1. The board of public works put many thousands of men at work where they were not needed; and,

"2. Because the larger part of our best citizens became disgusted at the sight, thinking that men enough would be put to work to carry the loan in spite of all opposition, and hence did not even take the trouble to register. So far from wishing to change or modify my previous evidence, I re-affirm my former statement, that, according to my best knowledge and belief, there were more men employed, directly and indirectly, by the board of public works, or under their control or influence, than there was majority for the four-million loan."

Mr. ELDRIDGE. You give the number of merchants and mechanics selling goods to and doing work for the District government as five hundred?

Mr. CRANE. I do. I mean only those votes were, in my judgment, procured in consequence of that.

Mr. ELDRIDGE. And you give the editors and proprietors of fifteen newspapers with their employes at three hundred?

Mr. CRANE. I think that is a very moderate estimate.

Mr. ELDRIDGE. You give the number of men employed in the fire department at sixty-one, and the number of paupers from the alms-house at forty-six?

Mr. CRANE. Yes.

Mr. ELDRIDGE. And you give the number of men controlled by Hallett Kilbourn's fund, at \$3 per head, at seven hundred?

Mr. CRANE. These are very moderate estimates, I think.

Mr. ELDRIDGE. That is the way you make up your statement. You speak of the number of contractors who have work or expect work as being five hundred. How many of that number do you calculate expect work?

Mr. CRANE. About three or four are waiting to get work for every one who has got a contract.

Mr. ELDRIDGE. Do you think that that is a just and proper way to swear before this committee?

Mr. CRANE. I swear to the best of my knowledge and belief.

Mr. ELDRIDGE. Do you think it is fair to swear to a number of men who expect work?

Mr. CRANE. I do. In reference to these 6,210 men employed by contractors, I have been told, since I made that out, by an agent of the corporation, that the estimate is too low.

The CHAIRMAN. Do you believe that all the editors and employes of the newspapers and all the firemen are any more corrupt, so that they could not give an honest vote, than you are yourself?

Mr. CRANE. I do not say that all of them are. I say that I believe that there is not a fireman in the fire department who, if he had voted against the four-million loan, would not have been dismissed the next day.

The CHAIRMAN. Do you believe that every merchant who sold a dollar's worth of goods to the District government was influenced thereby?

Mr. CRANE. No; I mean that merchants who sold vast quantities of goods were influenced.

The CHAIRMAN. Can you name a hundred merchants who were so influenced?

Mr. CRANE. I do not know that I can.

The CHAIRMAN. Can you name ten?

Mr. CRANE. I speak of merchants and mechanics. I have had a pretty good opportunity to notice what has been going on here for the last six months, and to notice the oppression that has been going on among the people, and I know that no man can get anything from the city government unless he bows down before their shrine and worships.

Mr. COTTON. Have you tried to do so?

Mr. CRANE. No, sir; I never have tried. I have denounced the whole thing long before the board of public works came into power.

Adjourned till Wednesday, March 27, 1872.

WASHINGTON, D. C., March 27, 1872.

SAMUEL FOWLER, at his request, was recalled for the purpose of making an explanation.

Mr. STARKWEATHER. Mr. Fowler, you will proceed with what you have to say.

Mr. FOWLER. In the first place, I wish to state that I am here as an unwilling witness. That I was not one of the injunctionists, nor one of the memorialists in this case. I was summoned here on the 19th instant, a few moments before the hour of meeting. Therefore, I have no animosity against any one, and I was thus compelled to state what I knew in regard to the matter upon which I was examined. I am here this morning to deny *in toto* some of the statements made by Mr. Gulick. In the first place, I have no recollection of going to Mr. Gulick's and leaving word for him to call on me. I saw him once before he called at my office and left this note; some ten days before this, [the note has been previously given,] as before stated, and I had that interview with him upon the market question. September 25, he left this note at my office. He says that the next day he called on me, supposing that I wanted to see him about some property he had purchased a few days before. The property was purchased January 5, 1870.

Mr. ELDRIDGE. Mr. Gulick stated that it was purchased some time before, and he called to see about the interest, as he did not recollect whether the interest was to be paid annually or semi-annually. The newspapers are not correct in their statement on that point.

Mr. FOWLER, resuming. I do not know what Mr. Gulick wanted of me; in answer to that note, I went to see him; and he stated he thought something could be done. As I said before, I asked him what would do it. He told me he thought \$12,000 would make a change. I think I asked him who the committee were, and he gave me the names, but would not give them in writing. I said no more to him then. I called repeatedly, from time to time, perhaps eight or ten times, more or less, and reported to him my progress. I told him that

we were unable to raise the money, and had raised only a portion of it. Prior to the governor's departure for Europe, there was a committee formed to wait upon the governor, and he so distinctly stated that he was in favor of having the Corcoran square accepted, and that he would use his best efforts to have the market placed there. Our friends thought they could carry the matter without any money, and, therefore, did not follow it up. Mr. Gulick says that I called and told him that we had had a meeting and had raised the money. That is not a fact. Again, he says that I owned a corner lot, and that he could have a half of it. I own no corner lot. He also says that I told him to tell the committee that they could each of them have a lot. That is not true. Again, he says that I called him from the legislative council, on one occasion, and importuned him not to say anything about this matter. That is false. I never spoke to Mr. Gulick at the council but once, in November, I think, when Mr. Eaton brought up his resolution on the market. I said a few words to him then, after the adjournment; but I did not go one step with him, nor have I once importuned him not to speak of it. When this was first mentioned he said, "This is between ourselves."

By Mr. CRANE:

Q. You said this land was sold in January; if the interest was due semi-annually, would it not have been due in July?—A. Yes, sir.

Q. But he called on the 25th of September?—A. Yes, sir; and it was Monday. He says on the 24th, which was Sunday. I disclaim any animosity in this thing. I am an unwilling witness. I came here simply to repel these charges. As to my telling him he could purchase lots cheaply, I did say that, if he wished to come out and purchase lots, he could buy them cheaply.

By Mr. ELDRIDGE:

Q. Mr. Gulick say he did not tell you they were bidding lively for the Savage lot or anything of that kind.—A. He said the Savage party were bidding high.

Q. He denies making such a statement.—A. He has forgotten it.

By Mr. CRANE:

Q. What was the value of the Savage lot?—A. I think it was assessed at \$33,000. I think they gave \$120,000.

By Mr. HARMER:

Q. What, in your opinion, is the value of the lot?—A. There is a double house on it. As a speculation, I would not like to give more than 60 cents a foot for it. I think there are some 90,000 odd feet, exclusive of the alleys.

Q. Then, you would estimate the value of the lot at some \$50,000 or \$60,000?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. Do you pay a large tax upon real estate in this city?—A. Yes, sir; I do.

Q. What relation does the assessed value of your property bear to the actual value of it?—A. Some places are assessed at their full value, while others are not. I have a house on E street which is assessed at \$15,000, while the ground is assessed at between \$4,000 and \$5,000, making the whole nearly \$20,000. The gentleman next to me, since that time, has sold a house at auction, on the usual terms. It is a brown-stone front, and mine is a brick; although a little wider front. He has a stable on his, and, altogether, it is a more valuable house than mine. He got about \$13,400 or \$13,500.

By Mr. CHIPMAN:

Q. That assessment was under the old administration?—A. Yes, sir.

By Mr. HARMER:

Q. Is the average assessment of your property greater than its real value?—A. No, sir. The assessors, however, in some cases will assess an old house at double what it originally cost for the building itself. The ground, of course, is worth more now than then.

By Mr. ELDRIDGE:

Q. Would not these houses sell for more now than they would when you built them?—A. They would.

Q. Do you mean to be understood as saying that assessment of new houses is greater than the cost of building?—A. No, sir.

Q. Taking the assessments all together, is the sum above or below the actual value?—A. It is below.

Q. Have you had any knowledge of the assessment of the property of others?—A. Yes, sir; some I consider too high and some too low. I think they are generally above the cash value. That is, if a man had to put up his property and sell it under the hammer for cash.

Q. Is this the case in regard to buildings or grounds?—A. Both.

Q. Have you property where there are no buildings and the lots are assessed above their

cash value?—A. Yes, sir. On Eighth street, where they have recently made an improvement, as they call it, having taken an old curb up, which was very good, but about two inches narrower than they are now using. That property is assessed at 55 cents a foot. I have offered it a long time, and cannot sell it at that price. They laid a sewer in a back alley in the same square where, I think, there was another sewer; and I signed a protest to the board of public works, and, a few days afterward, I got an answer that they did not deem the present sewerage sufficient. A man has no redress under this board of public works. I never thought that it was contemplated by Congress to invest four men with so much power.

By Mr. HARMER :

Q. Speaking of selling property for cash, under the hammer, do you believe that if you were to sell all the property in this city under the hammer that it would bring 75 per cent. of its real value?—A. I do not believe it would.

WASHINGTON, D. C., March 27, 1872.

Mr. GULICK recalled at his own request. He said: I do not see any new point named by the gentleman at all. I would say if there was anything that could be more solemn and binding than an oath I would like to have it. I would like to have the Being present who knows all hearts.

Mr. STARKWEATHER, (the chairman.) He is supposed to be present.

Mr. GULICK: In reference to the note, I am positive, and shall always be positive—and I cannot see, for the life of me, how Mr. Fowler can say anything to the contrary—that he had been to my office and left his own handwriting on a paper, and his address. A young man told me he had been there two or three times. I cannot be mistaken. I do not think I said I called the next day. I said I called within a day or two. If I said the next day, I should have said within a day or two. I had a right to presume, I think, that he wanted to see me upon the matter I suggested. He is correct that the property was bought in January. It was bought over seven months previous. I thought that possibly I might have allowed the interest to lie over; I was not certain about it. I have bought some property, and pay semi-annual interest. All the approaches that were ever made were made by Mr. Fowler, most positively. I never gave him any encouragement, and never gave any man any encouragement to suppose that I would support the change to Corcoran square. I did not do it. I had seen the premises, and my judgment was clearly and decidedly made up. At the time I left the note the matter had been considered in committee, and the attorney had been ordered to examine the titles. In reference to the purchase of a lot, it was either a corner square or a corner lot, I think; but I am not sure that it was a corner lot. When I refused to buy, he offered to lease for ninety-nine years, which I refused, as I did the other offer. I again repeat, that he followed me from the council toward home, and asked me not to say anything about it. I assert it most positively and decidedly.

By Mr. CRANE :

Question. Did you consider \$120,000 a fair price for the Savage square?—Answer. I knew but little about the price of ground in that locality. I consulted as many as half a dozen parties in regard to it. I was told that they could not buy on the adjoining square for less than \$1 30 a foot; that was the Sprague square. They asked \$1 50 a foot for a lot on a square on the other side. The son of the surveyor, Mr. Forsyth, told me that there were 107,250 square feet in the lot. I confess that on the point of the value of ground I do not know much. We were getting on Capitol Hill 50 cents a foot; and I supposed it was worth more down in the city. I got information from parties whom I thought good, reliable men.

By Mr. ELDRIDGE :

Q. There was a building on the square?—A. There was a good double-house.

Q. What was that worth?—A. I think in the neighborhood of \$20,000.

Q. Do you pay a large amount of taxes?—A. I pay some.

Q. Do you know about the rates of assessments?—A. Yes, sir; something.

Q. As far as you have observed what relation does the assessment bear to the value of the property?—A. I have always looked upon it as much less than the real value. I would not take the assessed value for any piece of property I have, unless I was forced to sell. A gentleman came to me with a complaint about the assessment of his lot, which I asked him if he would take 50 cents a foot for. He declined. The lot is assessed at 20 cents a foot.

Q. Is there generally that difference between the real value and the assessed value?—A. I do not think there is.

By Mr. CRANE :

Q. Were you the agent for the sale of Savage square?—A. No, sir, I was acquainted with the family, and stated for Mrs. Woodward the price she asked.

WASHINGTON, D. C., March 27, 1872.

Mr. ZIMMERMAN recalled.

By Mr. CRANE :

Question. Will you state the actual difference you make between your figures and Mr. McKnight's, on the Morrison building?—Answer. We have added the two together, Morrison's building and Metzertott's Hall. His price for furniture was \$20,597 15; ours was \$17,703 20; making a difference of \$2,893 95.

By Mr. CHIPMAN :

Q. At what per cent. profit did you figure that?—A. Fifteen.

Q. What proportion of that pertains to the carpet?—A. We did not include the carpet.

By Mr. STARKWEATHER, (chairman :)

Q. What is your usual profit on furniture for a large house?—A. From 20 to 25 per cent. If we had a large house with \$20,000 worth of furniture we could furnish for 10 or 15 per cent. profit; the usual price for small sales is 25 per cent.

Mr. GREEN here asked leave to introduce as evidence a note from Colonel J. A. Magruder, transmitting specifications and a detailed estimate for the tram-wall and stone-work for the Washington Canal; and they were received and ordered to be printed.

WASHINGTON, D. C., March 28, 1872.

The first testimony offered this morning was in the form of a written statement, signed by Messrs. De Main, Severson, and Harkness, as to matters in regard to which they had made an examination.

Mr. CHANDLER, as counsel for the District government, objected to the reading of the paper. He stated that he would have no objection to the reading, if it was to be treated only as the testimony of the witnesses signing it, who should be subject to cross-examination; but he objected to all attempts to put in a document made by witnesses employed and paid by the memorialists, to be cited hereafter as a report of a board of experts, authorized by the committee to examine the work, when the committee had refused to invest them with any other character than that of ordinary *ex-parte* witnesses.

The committee admitted the paper, to be read merely as the testimony of the witnesses.

Mr. W. W. DE MAIN, one of the signers, was then recalled.

By Mr. STARKWEATHER, (chairman :)

Question. Do you say, having heard this paper read and having signed it, that you consider this as your testimony?—Answer. I believe it to be correct.

By Mr. ROOSEVELT :

Q. Do you understand concrete pavement, as a matter of professional business?—A. No, sir; I have no understanding of it: I do not know much about it.

Q. Do you know anything about piles, whether they will rot out?—A. I have a pretty good knowledge on that subject.

Q. Do those piles, as they stand in the canal, project above the water?—A. Yes, sir.

Q. What will be the effect of that upon the piles?—A. That is done in almost every case of making walls. But in regard to the foundation of a wall it is very different. The foundation of the wall is two to three feet above low water. They are therefore exposed to the action of the elements, and the result will be that within two or three years they will decay and the wall will fall into the canal.

Q. There is a space where the head of the wood-work is above low water?—A. Yes, sir.

Q. And that will rot away in a few years?—A. Yes, sir; I think so.

Q. Do you know the cost of macadamizing a road?—A. I am not particularly familiar with that.

By Mr. CREBS :

Q. You stated that you took up some of the concrete pavement?—A. Yes, sir; I found the concrete about $1\frac{1}{8}$ of an inch thick on top of the macadamized portion. That was about the general thickness; it was taken from a part where there had been no wear and tear. The stone in some places was 4 inches thick; and I suppose, as a general thing it would average 6 inches. I did not have an opportunity of examining under the concrete in more than one place; but we measured where the concrete had been laid on. It was a difficult matter to get at the exact thickness of the stone.

Q. How was it broken, fine or large?—A. It was too coarse, I think. The stones were larger at the bottom than at the top, and that I thought proper.

Q. Did you examine it on Fifteenth street?—A. I noticed along Fifteenth street, and also in front of the President's House, that it had been repaired in numerous places, and there were many places that required it.

Q. What kind of repairs would be necessary?—A. I think that to make a good job, the best plan would be to take it all up and lay a better one. They seemed to have repaired it by putting asphalt, or gas-tar, or something.

Q. Was there any asphalt put with this 6 inches of stone?—A. None at all, where I measured; I suppose the stone had been rolled to make a level surface.

By Mr. ELDRIDGE:

Q. Do you say no asphalt was poured among the stone before the surface was covered?—A. I spoke of what I took up. There might have been in other places; perhaps there was.

By Mr. CHANDLER:

Q. That communication signed by you speaks of the depth of the material in the canal to be removed. Did you make a personal examination of the depth from Seventh street to Fourteenth street?—A. No, sir; only I saw the dirt laid out there.

Q. Did you make any estimate of the depth of the filth there is in the canal from Seventh to Fourteenth streets?—A. No, sir.

Q. Then you know nothing about what it would cost to dredge that out?—A. No, sir. I can only judge about it.

Q. You have not made an estimate of the depth, or the amount to be removed?—A. No, sir; not personally.

Q. Did you ever on the other portions make a personal examination and measurement?—A. Yes, sir; from Fourteenth to Seventh streets we measured accurately. In the first place there was a bench-mark which we knew was correct, and we knew the height of the tide at the time we made the measurement; and we measured down from the bench-mark from the surface of the water at that moment. Then we took a boat and measured along 6 or 7 feet from each side of the walls, and also in the middle, taking sections all the way to the outlet of the canal.

By Mr. ELDRIDGE:

Q. Who drew up this statement?—A. Mr. Severson and Mr. Harkness. I looked over it and compared it, and agree to the statements so far as my knowledge goes.

Q. Does your knowledge extend to all the statements made there?—A. With the exception of that portion between Fourteenth and Seventh streets.

Q. Do you know about the original walls?—A. Yes, sir.

Q. When did you make an examination of these original walls along the canal?—A. Since we were appointed to make this examination, some eight or ten days ago.

Q. Did you ever make any examination of the walls before that time?—A. I have taken levels to ascertain grades, &c., along there, probably twenty years ago.

Q. Have you any knowledge of the manner in which the foundation of these walls was originally laid?—A. No, sir; no personal knowledge.

Q. That is given in the statement, is it not; did you take Mr. Severson's statement in regard to the manner in which the walls were originally built?—A. I had no information except what Mr. Severson told me.

Q. You stated in that communication that the original foundations were good, and that now inferior foundations have been put in. Have you any knowledge personally in regard to that?—A. No personal knowledge. Only that I know the walls have stood firmly for a very long time. Improvements have been made upon them, and they still stand firmly. That is all I know about that.

By Mr. COOMBS:

Q. How long have you been familiar with the walls?—A. Probably twenty-five years.

By Mr. STARKWEATHER:

Q. You state in this communication in regard to the James Creek branch, that you found the amount of matter which was to be removed was 108,000 cubic yards. Did you make the estimate yourself?—A. I did. I used the instrument. I was furnished with the profile that Mr. Forsyth had made; and I could not make the amount agree according to his profile. In my measurement I took longer stations than he did. His stations were 200 feet apart, and mine were 300; but I took intermediate levels where there was not a regular inclined plane, in order to get the means as correctly as possible.

Q. Was your idea that the dredging was not to be thrown out and left on the banks, but was to be taken away entirely?—A. Yes, sir.

Q. What would be a fair price for the removal of 108,000 cubic yards in case you carried it away?—A. I think it might be used at a distance of 200 or 300 feet; and to remove it that distance would probably be worth 20 cents a yard.

Q. Well, what would it be worth for the whole, to take it out of the canal and carry it entirely away?—A. I think it would probably be as much as they have got; 30 cents a yard altogether.

By Mr. ELDRIDGE:

Q. Is the only difference between you and Mr. Forsyth a mere matter of calculation?—A. No, sir; it is in the measurement.

Q. Then your profiles differ?—A. Yes, sir; using his profile I do not make much less than he does.

Q. Wherein does your profile differ from his?—A. There are in his several elevated points that I didn't find.

Q. If they were there in fact, would you not in that case make his aggregate estimate right?—A. No, sir; if his profile is correct, then it will not make as much as he has estimated it. The difference is made in taking the levels. In the first place, at the commencement, he has made the ground level with a wall, which is perhaps 4 feet and 6 inches above the ground. I find it about three feet lower than that. There is no place in mine except at the Virginia avenue bridge that goes above that wall; whereas his, in two or three places goes above it. I have surveyed a good deal in that region, and I know that at high water the ground is always covered in that portion where the canal is.

Q. Can you say that his measurements were not correct at the time they were made?—A. I think they could not have been.

Q. Can you tell, as an engineer, whether the survey there is not as he made it at that time?—A. I know it was lower.

Q. Then explain it.—A. When I surveyed there I found that portion submerged, which would signify that it was below high water; whereas, no portion of his survey makes it so. And therefore I inferred that his could not be correct.

Q. How long ago was his survey made?—A. July 15, 1871. [This answer was taken from Mr. Forsyth's profile, as the date.]

Q. Now, in surveying a street, when you was before the committee on another occasion, you called attention to the fact that you could not tell, after a street had been graded, the amount of earth that had been removed, because you could not find all the levels that might have appeared at the time of the grading?—A. In this case, noticing that the middle of the canal had been submerged, I knew it could not have been higher than the banks. It is true I could not get at it accurately, but I think my measurement was very liberal.

Q. Does he make the greater amount in consequence of the greater cutting and excavation, and not from the length or width?—A. That seems to be it. He makes the elevation at a certain point, 12.06 feet above the ordinary high water. I make the same point 10.78 feet.

Q. Have you been acquainted with Mr. Forsyth?—A. I have known him a long time; ever since he came to the city, I believe.

Q. Is he an honest man?—A. I believe him to be so. I have known him about twenty years, I think.

Q. Would this discrepancy show that he was either careless or dishonest?—A. No; I don't know that it would show one or the other. Engineers, as well as other gentlemen, do not claim to be infallible. I consider it simply an error; that is all.

Q. How much difference do you make in all?—A. Ten thousand yards. Mr. Forsyth's plat says it is made on the scale of 100 feet to the inch, and the length of this plat is 36 inches, which would make the distance 3,600 feet. Taking it at that distance and the mean depth according to his plat, I cannot get any such quantity as he has obtained.

Q. Have you measured here precisely the same length that he has?—A. My measurement covers 45 feet more.

Q. Were your levels taken as often as his?—A. No, sir; mine were 300 feet apart and his 200; but I took intermediate levels where I saw changes of the surface. There are three principal bends in its whole length, and it was necessary to find the elevation at each of these points. We took levels at our stations and wherever we saw any change in the bank, or where we saw that it was not an inclined plane.

Q. Who assisted you in doing this work?—A. A young man; a draughtsman by the name of Louis Himer; and another young man assisted in measuring.

Q. Who was that other young man; what is his name?—A. He is a young man who lives with me. He is my son-in-law, but I cannot think of his name.

By Mr. POLAND:

Q. You took Forsyth's profile and undertook to make the calculation from that?—A. Yes, sir; but I could not make the quantity that he did from it. I went by my own measurement, and find a discrepancy. I compared it with his.

By Mr. STARKWEATHER:

Q. How much less did you make it, taking Forsyth's profile?—A. About 3,000 yards less but his distance was less, so that he must have made a deeper cut.

By Mr. CHIPMAN:

Q. Have you made the matter of concrete pavements a study?—A. No, sir.

Q. When did you see the first concrete pavement?—A. The first I ever saw was on First street east.

Q. Whose patent was that?—A. I do not recollect.

Q. How many times have you examined concrete pavements as to their durability?—A. Never; but I have seen it laid and have seen it since. I saw that in front of the Arlington several times when it was being laid.

Q. Was that a good pavement?—A. I think so.

Q. Then you think if laid well it would be a good pavement?—A. Yes; if like that at the Arlington.

By Mr. ELDRIDGE:

Q. Were there broken stone used as the foundation in front of the Arlington?—A. Yes, sir; very fine. I took levels on it several times. I think it must have been very fine broken stone.

By Mr. CHIPMAN:

Q. You say that the broken stone which you examined in front of the President's Mansion was too large, in your opinion?—A. I thought it was; that which I examined was on Seventeenth street.

Q. How do you know, if you have not made this a matter of study, what size bed-rock should be?—A. I only judge.

Q. Do you claim to be an expert in the matter of pavements?—A. No, sir.

Q. You have signed this communication?—A. Yes, sir; I signed only as to its purport. I do not pretend to be an expert of that kind of pavements.

Q. If the policy of filling up the canal is adopted, then these computations which you make with regard to dredging, will not figure in the plan of filling up?—A. O, no; not at all.

Q. Your examinations are made on the supposition that it is not to be filled up?—A. Yes, sir.

Q. Have you ever had any experience in the matter of tidal sewers, so called? Did you ever see one; that is, a sewer that cleanses itself by the ebb and flow of the tide?—A. No, sir. But in studying engineering we have a formula as to the effect produced by a fall of water of a certain amount.

Q. Have you subjected this proposed sewer to your formula?—A. No, sir; I have never seen any except that portion at Missouri avenue. I am inclined to think that will not answer. I see that Mr. Mullett in some of his calculations has used a formula which appears to me to involve an absurdity.

Q. Does he apply it to this Missouri avenue sewer?—A. I don't know; but he does to these sewers that have to enter into it.

By Mr. COOMBS:

Q. Do I understand you to say that the broken stone you saw used on the concrete pavement was cemented altogether so as to make a solid mass?—A. It does appear so where I took it up.

Q. You say you measured where the concrete hadn't been put on, and that the stone averaged only 6 inches in depth?—A. Yes, sir; and I suppose it was left in that condition as prepared to lay the concrete on top of it.

Q. Did you ever observe when they were putting down this pavement how they poured this cement over it? What amount was put on?—A. No, sir; I did not take any particular notice.

Q. You never observed whether they poured enough on to fill up the interstices of the stone?—A. No, sir.

By Mr. CHANDLER:

Q. I want to understand where you took up this portion of concrete pavement.—A. On Pennsylvania avenue, near the corner of Seventeenth street.

Q. The Fifteenth street pavement spoken of was laid down by the city government, was it not?—A. I think it was.

Q. If you have no objections, I would like to have you to give your son-in-law's full name.—A. His name is Dorset; that is his name.

Q. What is his first name?—A. Well, it is Charles.

Q. Has he any middle name?—A. I think not.

Q. How long has he been your son-in-law?—A. Ever since he was married.

Q. How long is that?—A. He was married a year and a half after the war concluded—about 1866 or 1865.

By Mr. CREBS:

Q. You stated that you took levels of the work at the Arlington before it was put down; please describe how that concrete was put down.—A. I think they first laid one layer of broken stone, and then gas-tar, or asphalt.

Q. Was there a concrete mass made of that?—A. I think so, for we took levels on it, and it seemed to be good before the last coat of tar was put on.

Q. How many layers were there?—A. I think there were four.

Q. How does that pavement correspond with those that you have examined?—A. That seems to be standing very well.

Q. Was it put down in the same way as the new pavements that you have examined?—
A. I did not witness the laying of the last pavement, but this seems to me to have two layers.

Q. Was the broken stone at the Arlington as large as the others?—A. No, sir.

Q. You are satisfied it was broken stone at the Arlington?—A. To the best of my knowledge.

By Mr. ELDRIDGE :

Q. Did you see large rollers being rolled on the stone as you passed there?—A. Yes, sir.

Q. Did they have rollers of the same weight and dimensions at the Arlington?—A. I do not think they were as large.

Q. These on the street by the President's House were steam-rollers?—A. Yes, sir; the others were not.

Q. They were very heavy?—A. They seemed so, from the difficulty they had in moving them.

By Mr. GREEN :

Q. Have you examined the work on the canal, and compared it with the plans and specifications drawn up by General Michler?—A. I saw in one of these reports a plan purporting to be General Michler's, and I made a comparison between the manner in which it is pretended to be executed and the original plan; but it does not at all even imitate, in the slightest degree, the plan of General Michler.

Q. In what respect does it differ?—A. First, it was proposed to have three rows of piles, connected together by a tie—a beam of wood—and fastened together; instead of that, there is a rod of seven-eighths inch iron, which passes through the outer and inner one. Next, the plan requires that the foundation wall should be entirely below low water—that no part of the foundation should be above low water. Then again, some portion of the planks laid across the timbers are not nailed down, as required. The planks are actually falling off from the timbers, and the wall has risen on the inside, and been depressed on the other, in consequence of it.

Q. What kind of timber has been used?—A. I believe some of it is Virginia pine; some of the piles, however, are an indifferent, ordinary kind of pine, not so durable as the Virginia pine.

Q. Were these piles driven to a firm foundation?—A. I did not see them driven, but some of them are very much inclined.

By Mr. ELDRIDGE :

Q. If driven to a great distance, do not they often take a direction from the perpendicular?—A. These are not driven to a firm foundation.

Q. Do you know the length of the piles?—A. I saw some that were left that were 17 or 18 feet long. I did not see any driven.

By Mr. GREEN :

Q. What objection, if any, is there to the iron rods, instead of the wooden ties called for in General Michler's plan?—A. They are incapable of sustaining the pressure. Some of the nuts had been broken off, we found, and fallen into the canal. They are entirely too weak.

Q. Is there any objection to the manner in which the iron rods are applied?—A. Instead of passing through the timber, they pass underneath it; and the piles are not driven of the same length, but obliquely, so that the rods are not at right angles; some are a foot longer than others, oblique.

Mr. SEVERSON, being recalled, was asked by Mr. Starkweather, the chairman, if he gave the paper read this morning as his testimony.—A. I do. It has been stated that the paper was my production. It is not mine, but it was made by Mr. Harkness.

Q. But you swear that is true?—A. I do.

By Mr. GREEN :

Q. I want you to produce the original estimate, made before the contract was let out, and which formed the basis of the contract, showing the number of cubic yards to be dredged?—

A. It is here now. [Document produced.]

By Mr. CHIPMAN :

Q. From what source did you get that?—A. I made it.

Q. Is it your own measurement?—A. I was employed by the president of the commission and the mayor to mark the walls.

Witness was directed to furnish a copy of the paper presented.

It is as follows :

A.

WASHINGTON, March 28, 1872.

Committee of the House of Representatives for the District of Columbia :

GENTLEMEN: The undersigned having been requested by the Citizens' Association to inspect the work done on the Washington Canal, Tiber Creek sewer, and other portions of the public works of the city and District, have, in part, performed that duty, and respectfully submit the following for your consideration :

In pursuance of the act of Congress, approved July 15, 1870, a contract was concluded by and between the canal commission—authorized by said act—and J. H. Teemyer & Co., to dredge the canal throughout to the specified depth of 4 feet at the sides, and 6 feet at the center, below lowest tides, for the sum of \$88,800, and to complete the same on or before the 1st day of July, 1871.

Prior to the execution of said contract, the work contemplated had been carefully measured, the average depth of dredging of the several sections estimated, and the quantity; 367,893 cubic yards within the canal, reported to the commission, and formed the basis of the contract. To this should be added 2,107 cubic yards at the outlets to the channel, not computed in the sum named above, but provided for in the contract, making a total of 370,000 cubic yards, by which it will be seen that the contract price was at the rate of twenty-four cents per cubic yard.

The work of dredging, during the administration of the commission, was limited mainly to the eastern section, extending from New Jersey avenue to the channel of the Eastern Branch, having a length, exclusive of the outlet, of 2,800 feet, a surface area of 169,400 feet superficial, and an average depth of about 4.34 feet, which computes to 27,236 cubic yards.

The dredging of this section having been discontinued some time in April last, and those in charge of the work having failed to report the number of cubic yards actually excavated, there is now no way known to the undersigned by which the amount can be accurately determined. It is a matter of ocular demonstration, however, that at ordinary low tides much of the bed of the canal is seen to be above the water-line, and has been but little improved by the labor bestowed upon it.

If the eastern section has been dredged to the depth required by the contract, then its present deplorable condition may have been occasioned partly by the slow movement of the undredged matter west of it brought down by the receding tides and other associate causes; but, in the opinion of the undersigned, it has been mainly superinduced by the sliding in of much of the yielding mass dredged and deposited immediately on the banks of the canal.

So, whether the evil has resulted from a deficiency of depth of dredging, or from the inevitable consequences of delay and obvious mismanagement, it is hard to determine, but one thing is certain: it is now scarcely more navigable than before.

The stone walls of said section, we have reasons for believing, have been built upon sufficiently deep and solid foundations, though some of the upper portions of the walls have yielded to the lateral pressure of the wet heavy earth piled unduly upon them, and where repaired, it has been done without altering the foundations.

The western section, extending from Fourteenth street west to the Potomac, had, originally, a surface area of 466,900 feet superficial, and the average depths of dredging, as reported to the commission prior to the execution of the contract of November, 1870, were $5\frac{1}{2}$ feet from Fourteenth street to Seventeenth-street lock, and 5 feet from the lock to the outlet, and amounted to 92,102 cubic yards. Subsequently the commission concluded to reduce the canal to about half of its original width, and made a new contract with the same firm for that purpose, but from some unexplained reason said contract does not definitely state the diminished width of the canal, nor the depth of dredging required thereby.

By actual survey, this section of the canal, as now being executed under the board of public works, contains a surface area of 284,776 feet superficial, which, computed by the depths above stated, produces 55,870 cubic yards. But, from the measurements we have taken, there *remains* yet to be dredged, in order to produce the original depth required below the low-water line, an average of about 2.65 feet deep, or 27,950 cubic yards: and also shows that the quantity actually dredged is 27,920 cubic yards, less than one-half of the amount required by a fair interpretation of the contract, and 64,182 cubic yards less than the original contract calls for.

The new stone walls of this section, and their foundations more especially, have been constructed without regard to the plans and specifications of General Michler, which formed a part of the contract, and have proved to be totally unfit for the purposes intended, when, as yet, the filling behind the walls is not over one-third done. The cost of these walls and foundations, as reported to the committee, amounts to \$36,713 60, all of which are utterly valueless to the city and General Government.

The undersigned deplore what they conceive to be the mistaken policy of the board of public works in ordering the canal to be filled up. In pursuance of that policy they have directed the removal of the well-tested stone walls which heretofore formed its boundaries, and in addition to the dredgings from the fetid bed of the canal, have received large contributions from other sources of rubbish and the like unhealthy matter for the filling up of

this absolutely indispensable auxiliary to the healthful and effectual drainage of our expanding city.

This experiment cannot but prove a very costly failure. In despite of plausible algebraical formula, which have been so confidently presented by the supporters of this scheme for several years past, the wisdom of the measure is confronted by the demonstrations of past experience and the adverse opinions of many of our most eminent scientific men.

It were folly to suppose a single sewer of the largest capacity which can be obtained contiguous to the canal, of such great length, and without any fall, can, by any possibility, receive and discharge the rush from the numerous sewers already existing between the Tiber and Seventeenth street, some of them, perhaps, of equal, if not greater, sectional area than its own, under the pressure of many feet head, and all of which are frequently taxed to their utmost capacity.

In a sanitary point of view, the propriety of closing the canal becomes a question of the greatest moment, in the presence of which all considerations of loss or gain should be ignored. Medical gentlemen of this city, whose opinions on such questions are entitled to great respect, have been outspoken against the closing up of the canal, because of its damaging effects upon the health of the city; and in this they are supported by sad illustrations furnished by the experience of other cities.

Believing in the soundness of the foregoing views in opposition to closing up the canal, the undersigned are confident that the necessity is eminent for the reopening of it from river to river.

James Creek branch, which was intended to unite with the canal proper near Virginia avenue and the cut made by the Government at South P street, has been by us surveyed, and the length found to be 3,645 feet, its breadth 60 feet, and depth of cutting, when finished 6 feet below water-line, within a small fraction of $13\frac{1}{2}$ feet, equal to 108,000 cubic yards, while the estimate of William Forsyth, engineer, on page 143 printed record, gives the length at 3,800 feet, and the number of cubic yards at 118,000, which is an overestimate, according to our survey, of 10,000 cubic yards, which, at 30 cents per yard, amounts to \$3,000 in favor of the contractors.

This branch of the work is in an unfinished condition, and no provision whatever has as yet been made for the keeping up of the banks, which have been cut perpendicular. The earth excavated is being deposited in vast quantities on the banks, which are breaking down by the action of the elements and the weight of the earth thrown upon them, and fast closing up the ditch behind the mud-machine. Owing to this, it is now impossible to ascertain, with any degree of accuracy, the amount excavated, and it is apparent that the work as done must entail great loss on the contractors, if they are to keep the canal open until their contract has been fulfilled. But if this is to be done at the expense of the city, the amount paid to the contractors will greatly exceed the just value of the benefits conferred.

Seven cents per yard being the cost of steam-dredging, (see General Meigs's report, page 3,) the 30 cents to be paid the contractors was doubtless intended to cover the cost of removing the dredgings to a reasonable distance from the cut. But, as the dredging is thrown on the banks, breaking them down, and falling back into the cut, we cannot estimate the value of the excavations at more than two thirds of the contract price.

The whole work, of this branch, when completed, will require 108,000 cubic yards excavations, which, at 20 cents, amounts to \$21,600. Of this amount, probably 50 per cent. remains to be done.

From the foregoing the following facts may be deduced:

1st. That J. H. Teemyer & Co.'s contract for dredging the canal under the original contract required 370,000 cubic yards of dredging, which, at 24 cents per yard, amounts to	\$88,800 00
2d. In pursuance of said contract they have dredged at the eastern section of the canal 27,236 yards, less $33\frac{1}{3}$ per cent	\$4,357 76
And at the western section, and both outlets, 27,920 yards	6,700 80
	11,058 56
For dredging not done	77,741 44
3d. The new walls and piling of the western section, and at Seventh street, being total failures, at a cost of	\$36,713 60
4th. The excavations of the James Creek branch, when completed, requires 108,000 yards of dredging; and at the contract price will amount to	\$32,400 00
Of this work only 50 per cent. is judged to be done.....	16,200 00
	\$16,200 00
From which deduct, for removing earth from the banks, $33\frac{1}{3}$ per cent.....	5,400 00
	10,800 00

5th. Also reasonable sum for removing earth, and all sorts of rubbish hauled into the canal.

6th. For removing piling, bad walls, and other obstructions.

7th. For restoring 10,600 feet of walls, torn down and removed from the canal, at \$2 50 per foot.

The undersigned have carefully inspected the concrete pavement laid in the following streets and avenues, viz: G street north, between Seventh and Ninth streets west; Fifteenth street west, from Pennsylvania avenue to I street north; Pennsylvania avenue, between Fifteenth and Seventeenth streets west; New York avenue, between Thirteenth and Fourteenth streets west; Fifteen-and-a-half street, or Madison Place, and Sixteen-and-a-half street, or Jefferson Place. In each and every case above specified, although laid but a few months, there are sad and unmistakable evidences of rapid disintegration under the action of the elements alone, while the attrition of the wheels of moving vehicles and the tramp of horses' hoofs have already cut through to the bed under the concrete surface. Many such places have been repaired, alongside of which are many others of a more recent date, demonstrating most conclusively the entire worthlessness of such pavements for our carriage-ways, and, if persisted in, it will be unjust to collect the special taxes levied for such purposes.

JOHN C. HARKNESS, *Architect.*

B. SEVERSON.

W. W. DE MAINE.

WASHINGTON, D. C., March 28, 1872.

A. GRANT recalled.

By Mr. COOMBS:

Question. You have read these papers here?—Answer. Yes, sir.

Q. Do you testify to their correctness?—A. Yes, sir; unless some error has been made in the copying.

Q. Do you wish to make any special statement in regard to them?—A. There is nothing that I know of; I think the testimony has been full enough.

Q. Are there any other matters that you wish to make a statement about?—A. I would like to make an explanation in reference to the letter which Mr. Morris testified about; also, in relation to East Capitol street.

Mr. POLAND. I think the testimony should be confined entirely to the examinations made.

By Mr. COOMBS:

Q. Do you know what that is? [pointing to a piece of concrete pavement lying upon the table.]—A. That is a piece of concrete pavement that was taken up in front of the Navy Department, and it is a better pavement than that in front of the President's House on Sixteen-and-a-half street.

Q. Have you ever seen any specimens of this pavement laid in other cities?—A. No, sir; pavements of that kind have been ignored in other cities for streets; it has been used for sidewalks.

Q. If the heated cement spoken of was poured over the broken stone so as to run down and fill up the interstices, would not the whole come up in blocks throughout the whole thickness?—A. Yes, sir; if properly cemented, the pavement which we described is good. Mr. Parrison's pavement will stand, if any in the world will; but I do not think there is any concrete pavement that will stand in this country.

Mr. GREEN. I wish to call the attention of the committee to some of these contracts. The first is that with John O. Evans, president of the Washington Asphalt Company. I wish to call attention to the fact that all these have this provision in them: "*Provided*, That partial payments may be made by direction of the board, otherwise than upon the estimates of the engineer, as provided above, if, in their opinion, the prompt execution of the work will be promoted thereby." I wish also to call attention to the provision in regard to the bonds required in one or two instances.

Mr. CHIPMAN. Mr. Green, do you make the point that the bonds are not given in these cases?

Mr. GREEN. That they are not in the usual form; many of them have no security at all. The form of the bond is good enough, provided it was signed with proper security.

The close of the testimony for the memorialists.

The following paper was placed in evidence:

B.

WASHINGTON, D. C., March 30, 1872.

SIR: We have the honor to submit herewith a supplementary "statement of facts," derived from examinations and measurements of work done or commenced in this city under

direction of the board of public works, made by us in compliance to an order from your honorable committee authorizing a board of experts to be designated by the Citizens' Memorial Association, and would respectfully state that we are ready now to give our testimony, and such explanations in regard to our statement as you may be pleased to accept.

Case No. 1 refers to the Tiber Creek sewer.

Case No. 2 refers to concrete pavements.

Case No. 3 refers to sidewalks, fences, and front yards.

Case No. 4 refers to the canal.

Case No. 5 refers to F street, west of Seventeenth, and others.

Case No. 6 refers to sewers.

Case No. 7 refers to the Morrison building.

Case No. 8 refers to parking of North Capitol street.

We have prepared plans and sections which will illustrate many of the facts above stated, also herewith submitted.

EMIL S. FRIEDERICH,
Engineer and Architect.
A. GRANT,
Architect.

Hon. H. H. STARKWEATHER,
*Chairman of the Committee for the District of Columbia,
United States House of Representatives.*

CASE No. 1.

THE TIBER-CREEK SEWER.

We have examined the above-named sewer, contracted to Williams & Bartlett, and have had it correctly measured, and a cross-section drawn of the same, marked A. We have estimated the same, and find the value of the sewer as far as built, allowing 20 per cent. profits, to be as follows :

Detail estimate of one linear foot, as per above-mentioned drawings, and as now being constructed.

125 feet 10 by 10 square timber, at 3 cents	\$3 75
126 feet 3-inch planking, at 2½ cents	3 15
Labor and nails on timber and floor planking	6 90
36 cubic feet of abutment to walls, at 25 cents	9 00
120 cubic feet of spandrel backing, at 16 cents	19 20
Centering for arch, 36 superficial feet, at 10 cents	3 60
1,140 bricks laid in arch, at \$20 per M	22 80
Excavation, pumping, &c., 10 per cent	6 83
Contingencies, &c.	4 77
	80 00

SPECIFICATIONS.

Timbers under the walls 2 feet from centers ; timbers under the floor, 10 by 10, 6 feet from centers ; plank flooring, 3 inches thick, extends under the walls ; abutment walls, 6 feet thick, 3 feet high ; brick arch, average length is 38 feet 2½ bricks deep.

We have compared this work with the plan of General Green, furnished to us by the board of public works, and find that the work is not being done according to said plans in many particulars. The most important of which is that the abutment walls, as shown on General Green's section, were to be battering on their faces, and to have a screw-back cut on to the solid stone for the arch to spring from ; this would have secured a more substantial wall, less liable to injury by the force of the water flowing through it, and the screw-back would have tended to equalize the pressure of the arch on the whole foundation ; the stone walls as built are at least 50 per cent. cheaper than the former, and the whole pressure is thrown on the front part of the foundation-walls, by the square abutment and level screw-back.

We find the construction of the work and material to be defective in many respects. The inner course of the stone walls are not properly laid, but are merely tumbled in behind the face-stones, without any proper bond to connect them ; a four-foot instead of a six-foot abutment would be much stronger if properly bonded and laid. The arches are laid up in disconnected sections ; an 18-inch instead of 22½-inch arch would have been all-sufficient if carried out on the principle of General Green's plans, and been properly tied together. The mortar is made of bad cement, or, in other words, there is too much sand and lime used instead of pure cement.

This work may stand in ordinary low water, but we consider it very doubtful in case of heavy freshets. We have measured the route as per plan of the city, and find the result to be as follows:

From the north side of Pennsylvania avenue to the south side of Massachusetts avenue, the point where the northern and eastern branches meet and run into one main channel, which requires the present size of the sewer to be continued to this point, (and we doubt if this is of sufficient capacity,) the length is 2,400 lineal feet; which, at contract price, is \$102 50 per foot	\$246,000 00
From Massachusetts avenue to boundary it requires a sewer the same width, reduced in height 3 feet, 4-foot abutments, and 18-inch arch, figured at same contract rates, there being 4,700 feet, amounts to \$92 50 per foot	434,750 00
Northeastern branch, from Massachusetts avenue to boundary, being semicircular arch, 10 feet opening, estimated same as Government prices, \$30 per foot.	180,000 00

Total amount of cost of sewer as per plan recommended by the board of public works to the legislature, (see page — of testimony)	860,750 00
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The true value of this work, with 20 per cent. profits added, as per above table, will be as follows:

2,400 linear feet, same size as above, at \$80 per foot.....	\$192,000 00
4,700 linear feet, same size, at \$70.....	329,000 00
6,000 linear feet, same size, at \$20	120,000 00
	641,000 00

Excess of contract price is	219,750 00
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We find the distance from the north side of Pennsylvania avenue to the south side of Indiana avenue to be about 1,162 feet; at \$102 50 per foot, is \$119,105, as per contract of Bartlett & Williams.

The value of the ground reclaimed by the construction of this sewer on the lines above stated from the bed of the creek, which goes to the sole benefit of the property-owners, two-thirds paid from the general appropriation—the length is about 13,100 feet by 90 feet wide, amounts to 1,179,000 square feet, worth 50 cents per foot—amounts to \$589,500.

The capacity of this sewer is entirely too small to carry out the water in case of heavy freshets, and we form our opinion from actual observations, and not from any mathematical calculations. In the event of a freshet, which is not unusual, the destruction to life and property would be very great.

We have examined the proposed change of the route as contemplated by the board of public works, and testified to by A. R. Shepherd, esq. Starting from Indiana avenue to D street, on D street to North Capitol street, and on North Capitol street, from D street to K street, up K street to First street east, and from First street to boundary, we find the plan and route to be entirely impracticable, unless the capacity of the sewer is increased one-third in size, on account of obstructing the water and turning the corners of different streets; it will also cost at least 30 per cent. more to build the sewer by this route, which amounts to, on the sum of \$860,750, \$253,583 33. This is caused by the increased distance, and more labor consequent upon the excavation of the streets. We can see no reason for removing the sewer from its old bed to the new one, except to remove this sewer from the land of private parties, and moving this sewer from its natural channel, which will make their land more valuable.

Besides the above, the proposed change of the route of this sewer will entail the loss of the bridges built only a few years since over the Tiber Creek at its intersections with E street, H street, and K street, and the expense of the building of new ones in their stead, and also cutting through the older arches across Indiana and New Jersey avenues, which will virtually destroy the same; and further, it will make it necessary to take up the pavements and parking of North Capitol street in a number of squares, which improvement has just been completed.

CASE NO. 2.

CONCRETE PAVEMENTS.

The concrete pavement on Pennsylvania avenue, between Fifteenth and Seventeenth streets, by measurement on the map, is in length 1,723 feet, and the width of the street, exclusive of sidewalks and the portion paved by the Washington and Georgetown Railroad Company, is 60 feet, making an area to be paved by the District of Columbia of 11 486 yards, which, at \$3 20, the contract price, would cost \$36,755 20. The actual cost per square yard of the pavement laid there is estimated as follows:

One-ninth cubic yard broken stone, at \$2 40.....	\$0 26 $\frac{2}{3}$
One-eighteenth cubic yard sand or gravel, at \$1 50.....	8 $\frac{1}{3}$
One-half peck cement, at \$2 per barrel.....	10
Four gallons coal-tar	24
Grading	6
Cost of laying	20

Total estimated cost per square yard	95
Deduct value of old pavement torn up and used by contractor	18

And there remains..... 77

as the cost of this pavement per square yard. At this rate the cost of 11,486 yards would be \$8,844 22, and the contractor's profit should be \$27,910 98. This piece of pavement, which has been already patched and repaired, is again full of holes. The old cobble-stone pavement that was taken up was superior to the one that replaced it. The following tabular statement exhibits the amount of this kind of paving commenced, with its actual cost and its cost at "board price."

Streets and avenues.	Length in feet.	Width in feet.	No. of square yards.	Cost per yard.	Total cost.	Contract price.	Total cost per contract.
Sixteenth street, from H to Boundary.....	6,300	120	84,000	\$0 95	\$79,800	\$3 20	\$268,800
Fifteenth street, from H to Boundary	6,300	70	49,000	95	46,550	3 20	156,800
Seventeenth street, from canal to Boundary.	8,700	70	67,666	95	64,282	3 20	216,531
Vermont avenue, from I street to Boundary.	6,300	90	63,000	95	59,850	3 20	201,600
Massachusetts avenue, from Ninth street to Boundary.	8,000	120	106,666	95	101,332	3 20	341,331
New York avenue, from Fifteenth street to New Jersey avenue.	11,000	70	85,555	95	81,277	3 20	273,776
Connecticut avenue, from H street to Boundary.	6,000	90	60,000	95	57,000	3 20	192,000
Pennsylvania avenue, from Seventeenth street to Rock Creek.	5,700	70	44,333	77	34,136	3 20	141,865
			560,220		524,227		1,792,703
							524,227
Excess of cost at board prices over the <i>actual</i> cost of laying this kind of pavement....							1,268,476

The above-named streets and avenues have been examined, and the pavement is found to be breaking up and already full of holes, (except the pavement on Vermont avenue in front of the Arlington House. We believe these concrete pavements to be entirely worthless, and that many of them will have to be removed within a year. In many places the cobble-stones have been crushed and placed again on the street, with a covering only two inches thick of this kind of material here called concrete. This kind of pavement has been tested on Fifteenth street in front of the Treasury Department, and it was known to be a failure before any of the work herein described was commenced. That pavement was laid with a foundation of broken stone from six to eight inches in depth. The contracts with Evans & Co. and the Metropolitan Paving Company have no specifications as to the depth of the stone foundation.

The contract with W. B. Parisen to pave a part of Vermont avenue, if the specifications are fully carried out, will give a good pavement, if any concrete pavement can be good. None of the work on this avenue has been finished. The foundations, as far as laid, are of broken stone laid dry, contrary to the specifications. This mode of putting down the stone dry, and then sprinkling with hot tar, can never make a solid or durable pavement.

It will be seen that the tabular statement herein contained includes less than one-twenty-fifth part of the carriage-ways of Washington and Georgetown that need paving, and that the paving of them all, at the rates now paid, would cost from \$40,000,000 to \$50,000,000.

CASE No. 3.

SIDEWALKS, FENCES, AND FRONT YARDS.

We find in many parts of the city, particularly in the western part, that many of the best sidewalks, (some of which have only recently been laid,) have been taken up and relaid.

In many cases the new curbs have been set into the street from 15 to 20 feet. In other cases yards have been fitted up in front of the houses with posts and chains. This ornamentation to any considerable extent would be attended with very great expense, and it properly belongs to the property ornamented, and not to the District, to bear such expense.

CASE No. 4.

THE WASHINGTON CANAL.

We have examined the work on the canal, and also the report of Mr. Mullett, (see page 150 of the testimony,) wherein he states the value of the dredging done at \$83,474 18. We estimate the dredging done at not more than one-fifth or what was required by the original and amended contracts. We have carefully examined the work done on the eastern section, and find the canal in a much worse condition than it was before the work was commenced, as the walls have been pressed in by piling the mud, as excavated, on the banks and over the walls. At low tide there is no water in the canal at this point of sufficient depth to be of any use. In the western section we have examined the walls referred to by Mr. Mullett in his report, for which he allowed Teemyer & Co., the contractors, the sum of \$35,106 25, although he had previously condemned the work. We have carefully measured this work and prepared drawings of the same, (see plan marked B) We find the wooden foundations and the walls utterly worthless. In all of our mechanical experience we have never seen work of such a miserable character. We find that the pile foundations have not been constructed according to General Michler's plans and specifications, as the contract required. Mr. Mullett testifies (see page 148) that the pile foundations appeared to have been constructed in strict accordance with the plans and specifications. It was required that the piles should be driven to a firm foundation, sawed off, and capped below the low-water mark, whereas they are from 2 to 3 and in some places 4 feet above the low-water mark. The front rows of piles upon which the wall was built were to be secured by another row set 15 feet in the rear, the three rows to be capped and tied, and firmly united by cross-ties. These have been in part omitted, which has a tendency to very much weaken the work. The plans show that the piles upon which the walls were to be built were to be but 4 feet from outside to outside, in order that the weight might be equalized upon each row of piles. The piles are placed 5 feet 4 inches apart, thus throwing the weight principally upon the inside tier. This pile foundation, if done strictly in accordance with the Michler plans, would have cost more than twice the amount which has been actually expended by the contractors for the same, but if completed as intended it would have been a good and substantial job. In many places the foundations are even now giving way, and the walls are falling into the canal.

We find that the canal, from Third to Seventh streets, has been filled up completely without any passage having been provided for the large amount of water which flows in from the sewerage at this point, as well as from the surface drainage. In fact, this damming up of the canal will, in case of a freshet, (which occurs frequently here,) cause untold destruction of property in the entire lower portion of the city. All the sewers between Third and Seventh streets, heretofore emptying into the canal, will hereafter be compelled to discharge into a small sewer in Missouri avenue. This sewer is but $7\frac{1}{2}$ feet wide and $4\frac{1}{2}$ feet high, is laid perfectly level, and even now is filled with water to within a few inches of the crown of the arch. We have calculated that a sewer nothing less than 24 feet wide and $5\frac{1}{4}$ feet high (see plan marked B) will answer for the drainage of the city between Third and Seventeenth streets, and even this will require to be flushed once in every twenty-four hours, either with a heavy pressure of water or by some other artificial means. We also find that the old walls of the canal between Four-and-a-half street and Fourteenth street, which were well and substantially built, are now being taken down, and the stones used in the construction of the Tiber Creek sewer.

We have also examined the James Creek Canal, contract of Teemyer & Co., as well as the work commenced. The price stipulated in this contract will only pay for a very small amount of the work, to wit, the excavation. The amount required to finish this work is estimated as follows:

Amount of Teemyer & Co.'s contract.....	\$25,383 00
1,094,400 feet oak plank, at \$60 per M.....	65,664 00
21,208 perches stone wall, (laid,) at \$7	148,456 00
Total.....	<u>239,503 00</u>

We find that the contractors have excavated about 6 feet, and that the earth falls and caves in nearly as fast as it is taken out. Nothing but the strongest wall, as shown upon the cross-section, (see plan marked C,) can be depended upon to make this work substantial. We can find nothing in the plans nor in the specifications requiring such work.

This canal will be utterly worthless, and can be of no possible use or benefit to the taxpayers and residents of the District.

To rebuild the walls thrown down, and to remove the earth caved in at the eastern end of the canal, to dig out the canal from Third to Seventh streets, to replace the walls taken down between Third and Seventeenth streets, to remove the worthless work at the western end of the canal, in fact, to replace the canal in the same condition as when the present work thereon was commenced, will cost at least \$100,000. The following are the losses to the District on account of the work as specified above:

To remove the work as specified	\$100,000 00
Dredging allowed to Teemyer & Co.....	83,474 18
Foundations and walls for the same.....	35,106 25
Digging James Creek Canal.....	25,383 00
Total losses.....	<u>243,963 43</u>

CASE No 5.

GRADE OF F STREET WEST, OF SEVENTEENTH STREET AND ADJACENT STREETS.

We have inspected and reviewed the work commenced and partly finished on F street and G street north, and on Seventeenth, Eighteenth, Nineteenth, Twentieth, and Twenty-first streets west, near F and G streets, and find that said streets have been cut down by orders of the board of public works to an average of about four feet, and we do not hesitate to state that the great expense in making this change of grade, amounting to three or four hundred thousand dollars, is an entire waste of money, and a great and permanent injury to the property located on said streets.

The elevation from the river up was but slight, but had it been double the height it would have been of a still greater advantage to the property located thereon. The center of no street should be below the general surface of the building lots and the alleys leading through the squares, to accommodate stables and other out-buildings.

The new grade of Seventeenth street from Pennsylvania avenue to New York avenue, commencing with nothing at the former, and being cut down to almost 6 feet at the latter, is the extent of the principal or western front of the new State Department, and intended War and Navy Departments, will ruin the effect of this building both in appearance and convenience, and greatly increase the cost of finishing the same. The old grade was just the right thing, and the street ought to be filled up again to its former grade, so as to make it nearly level in front of this building, which is a very desirable feature in any large public building.

The principal items which constitute the great unnecessary expense caused by these changes are as follows:

- 1st. The large amount of good sidewalks taken up and relaid in a bad manner.
- 2d. The large amount of grading to an average depth of about 4 feet, around at least twelve squares.
- 3d. The large extent of terraces formed, with the great expense of sodding and embellishing the same, and the building of brick terrace, walls, steps, coppings, and railings.
- 4th. Taking up and relaying gas and water pipes, sewers and drains, and relaying the same.

CASE No. 6.

SEWERS.

On this subject we would only state the following facts, as very few of the sewers, estimated by the board of public works to an amount of \$2,772,742, have been commenced, besides those on Missouri avenue, the Tiber Creek sewer, and the one in a portion of Slash Run. The sewer on Missouri avenue, which is intended to be a substitute for the filled-up canal, is only 4½ feet high by 7½ feet wide, (see plan marked "C,") and lays perfectly level, so as to be filled now with water to within a few inches of the crown of the arch; and we know of no practical means which could be applied to clean out this sewer.

We also inspected the so-called Slash Run sewer, the same being all covered up, (except one end.) We are not prepared to say much about it, except that we know that the proposition to extend this sewer eastward as far as Eighth street west is impracticable; Fourteenth street is the natural divide, or water-shed; the sewer cannot be extended eastward beyond this street, because we know that, as a rule, water does not run up hill.

The Tiber Creek sewer has been made a special chapter in our statements, to which we would refer. A large amount of 12-inch, 14, 16, and 18-inch sewer-pipe (of Scotch tile) has been laid in various streets of the city, the most of it having been covered up before we had any opportunity to notice it. We are only able to give our testimony in regard to the two sewers laid to a considerable extent on both sides of East Capitol street, as we did particularly notice the manner in which they were laid down, they being 12-inch clay pipes; the trenches were dug down to a depth of 14 to 15 feet, and the pipes laid at the bottom of these trenches, without any care or judgment, by inexperienced hands, in the most irregular manner, and the whole line of sewers given no more inclination than the present unfinished grade of the street. This great unnecessary depth doubled the first cost of laying the pipe, more than doubles the cost of making connections with it; the insufficient inclination will cause these pipes to choke up as fast as put to their proper use. The amount proposed to be spent by the board of public works on sewers is laid out in such a manner that fully two-thirds of the money will be spent on sewers which drain the commons and uncultivated and unimproved grounds north of the city, while the built-up part east of the Capitol is left almost entirely unprovided.

CASE No. 7

MORRISON BUILDING

We have not had time to inspect and estimate the work done on the Morrison building, on Four-and-a-half street, occupied by the District government officers. The amounts reported are about \$58,000, while the bills amount to about \$84,000. We know, from our experience in public buildings, that an addition to the city hall could easily have been built and furnished, sufficient to accommodate the entire District government, at no greater expense. The extension of the Navy Department was built for about \$60,000; it contains about forty large rooms, besides fire-proof cellars and vaults. The estimate for the new Agricultural Department was less than \$80,000. The Providence Hospital (a very large building) was built for about \$60,000. The two halls in the west wing of the city hall have been surrendered to the courts without any authority whatever.

CASE No. 8.

PARKING NORTH CAPITOL STREET.

It appears, on page 69 of the printed testimony taken before the committee, that the board of public works have paid for parking North Capitol street \$45,726 10. This parking is merely a grass-plat in the middle of the street, without fences or posts and chains, or any kind of inclosure; without trees, shrubbery, or statuary; without paved walks around it; and without anything connected with it to entitle it to the name of parking. There is nothing to prevent travel over it, and it will soon be a series of mere dusty or muddy spots in the middle of the street. No advantage can result from the expenditure of the sum above named unless the grass-plats are at once inclosed and planted, something after the style of the proposed parking of East Capitol street, as exhibited in the accompanying plans marked D. The work of parking North Capitol street, if it is intended to inclose and plant the grass-plats above referred to, should all have been done at the same time, as making several jobs of it largely increases the expense; rooting-animals and cart-wheels having already nearly destroyed the turf put upon these so-called parks.

WASHINGTON, D. C., *March 30, 1872.*

JOHN C. HARKNESS duly sworn and examined.

By Mr. COOMBS:

Question. State your full name, residence, and occupation.—Answer. John C. Harkness; Washington; architect and measurer of builders' work.

Q. How long have you lived in this city?—A. I was born here.

Q. Have you been employed as measurer of Government in this city; and if so, what experience have you had?—A. I have, on the eastern, western, and northern wing of the Patent-Office; also on the Capitol extension.

Q. You have been a Government-measurer of all the work you have mentioned?—A. At the Patent-Office my duty was confined to measuring the stone-work; at the Capitol extension my duty was, largely, the measurement of the model-work.

Q. Have you examined lately the work on the canal?—A. Yes, sir; several times.

Q. Are you acquainted with the plans and specifications under which that work was contracted for?—A. I have read the original contract of Teemyer & Evans.

Q. That is the plan, is it? [Plan handed to witness.]—A. I think that is the amended plan.

Q. That is the late contract?—A. Yes, sir; it is General Michler's plan, I think.

Q. Is this plan specified in the contract?—A. Yes, sir.

Q. State how the work you have examined compares with the plans and specifications in the contract?—A. It differs very materially from the plans and specifications, and very injuriously, as can be demonstrated by this plan, when I state the difference. One of the prime conditions of General Michler's plan was that the piles should be driven home to a sound and permanent bottom. This has not been done, as is seen in many portions of the wall, which is swayed and bent from the sinking of the piles, from the simple weight of the walls.

Another point is this: there are two rows of front piles, designed to make the thickness of the wall. That is to say, the plates covering them would be all covered by the stone wall above. The walls are some 4 feet thick at the bottom; and these were intended to be so wide apart that the north line would be under the north side of the wall and the south line under the south; so that the wall would have a bearing on both plates.

Another important difference is this, that these two parallel tiers of piles were never intended to be opposite, but to be alternate, so that the same force that would put one pile out would not operate upon the other. But to put them opposite was deemed more convenient and easy. But this is not all the difference. These are to be strengthened by a tier of piles still further north, as is shown by the plan, some 15 feet. The object was to get additional strength or anchorage to the front piles by strong and heavy logs, 10 inches in diameter. On this northern tier, 10 feet apart, there was designed to be a plate, 16 by 12 inches, and then these cross-ties, every 10 feet, were to tack on to all three of these plates and to be firmly spiked together. By this arrangement we should have had a much stronger foundation than we now have.

The plate on the northern range of piles has been omitted entirely, that 10 by 12 timber; nor have these lock-plates been put on; but there has been substituted, lower down, small $\frac{3}{8}$ -inch iron rods.

Another very serious defect is this: that General Michler's plan required that this bottom flooring should consist of 3-inch plank spiked with 6-inch spikes on to this bed-plate down to or below low-water mark, so as to be always covered with water. I was there when the tide was considerably up, and these were not yet touched by the tide. They will average 2 feet above low-water mark.

The consequence is that the wall is supported on the back simply by the 3-inch planks, which are thus exposed, having no bearing on the inner plate except that of the plank; and, therefore, the whole thing is moving out into the canal. It is exceedingly crooked now; the piles themselves have been pressed out, as is manifest by the crooked front of the plate, showing that it cannot stand the pressure, and that as soon as it is filled up the whole thing must necessarily go into the canal.

Q. Does the plan of General Michler show how low down the piles were to be driven?—A. The low-water line is given upon the plan. The specification is not very explicit about that.

Q. What would have been the difference in cost to the contractor if the piles had been driven to low-water mark, and the other specifications had been complied with?—A. That is a question I did not enter into. It could not cost less than 25 per cent. more, in my judgment. I consider the whole thing a failure.

Q. What kind of wood are these piles?—A. They are very common piles, yellow pine, I should think, from what I saw lying outside, believing them to be specimens.

Q. You made this examination, and know what you discovered; if you know of any other facts, material, in your opinion, please state them.—A. I examined the canal at both ends, both the eastern and western sections, very thoroughly, so as to be able to state its condition. When I was at the eastern end the tide was considerably up, and coming in; but there was still a large portion of the bed of the canal still above tide-water, and certainly at low-water mark a man could not get along with a skiff in it. I found that the walls had been broken down by the lateral pressure of the earth thrown on the banks, and the earth was running in.

Q. Did you examine the James Creek?—A. Yes; that seemed in a deplorable condition. A considerable portion had been run off by wheelbarrows, where it was dry, and then mud-machines had been put up, and without any walls whatever, or any arrangement by which they should be kept up; and the dredging was thrown right upon the banks, and the banks were yielding, and immense masses were closing in behind, with nothing to protect it at all.

Q. State whether this work done on the western end of the canal is of any value at all, in the condition in which you found it.—A. Except for the material, the timber and stone, I think it is of no value at all, and it would cost their value to remove the rubbish.

Q. Now, about the expenditures on the eastern end and James Creek, state what value there is in these improvements, in the condition in which they are.—A. I was disposed to allow 66 $\frac{2}{3}$ per cent. on the contract price on the eastern end, and so also on the James Creek.

Q. Do you know anything about the foundations of the old canal walls?—A. I have personal knowledge of these: during the administration of Mr. Lenox, as mayor of Washington, some eighteen or twenty years ago, I was applied to to take charge of that canal; it was let out by contract, and was to be thoroughly dredged, altered in some lines, and put to the depth required—four feet, usually, below low-water mark; and by reason of the failure of the contractor, I being his bondsman, had to do the work myself. The canal was dammed in various sections, and the water pumped off, and the earth dug out under the direction of Mr. James Taite, a very rigid inspector. From this fact I know the nature of those walls, how they were built; and time has tested that they were built most faithfully. They were not dug out by a mud-machine, but the water pumped out and the earth dug out; they were good foundations.

Q. Did they ever give way at the foundation?—A. I never knew one.

By Mr. STARKWEATHER:

Q. How high are these walls, on an average, from the foundation?—A. From Twelfth to Seventeenth street I think they must have averaged 12 feet high.

By Mr. COOMBS:

Q. How low were the piles driven?—A. The walls were on old piles that had been driven. They stood firm and solid; there was no decay in them.

Q. What would be the effect of leaving the piles several feet above water?—A. They would be in a fine position for decay; being wet and dry between wind and water, is the very way to decay timber. They would not have lasted three years, I think. No yellow pine in that condition would last.

Q. And the piles and coping decayed, the walls would necessarily tumble?—A. If the 3-inch plank decayed it would be gone, because the wall did not rest on the wing-plate at all.

Q. Do you know the comparative cost between brick sewerage and the pipe sewerage they are putting down?—A. I made inquiries in regard to that subject, with this result: I got from William Nelson, jr., the net cash price of Scotch pipe at New York, as follows:

12-inch pipe, per running foot	\$0 75
16-inch pipe, per running foot	1 25
18-inch pipe, per running foot	1 60
20-inch pipe, per running foot	2 00
24-inch pipe, per running foot	3 00
30-inch pipe, per running foot	4 50

I put down my own estimate as to what ought to be added to that to bring it to Washington and lay it, including freight, breakage, cement, and the labor of laying, and profit $33\frac{1}{3}$ per cent., which I suppose would be a very liberal advance, which amounts to the following:

12-inch pipe	\$1 00
16-inch pipe	1 67
18-inch pipe	2 14
20-inch pipe	2 67
24-inch pipe	4 00
30-inch pipe	6 00

I also obtained the estimate from one of the most reliable firms in Washington for laying the same-sized sewers with brick, as follows:

12-inch sewer of brick $4\frac{1}{2}$ -inches thick	\$0 78
16-inch sewer of brick $4\frac{1}{2}$ -inches thick	95
18-inch sewer of brick $4\frac{1}{2}$ -inches thick	1 07
20-inch sewer of brick $4\frac{1}{2}$ -inches thick	1 20
24-inch sewer of brick $4\frac{1}{2}$ -inches thick	1 36
30-inch sewer of brick $4\frac{1}{2}$ -inches thick	1 64

I have not relied upon this testimony, but have carefully investigated the real value of the work myself, and find that the brick-work in the usual way can be done for \$18 a thousand; but I have allowed \$28 a thousand and produced this result, showing that the pipe-sewers cost more than the brick by the following percentage: For the 12-inch, 29 per cent. more; for the 16-inch, 75; for the 18-inch, 109; for the 20-inch, 120; for the 24-inch, 194; and for the 30-inch, 266 per cent. more.

By Mr. CHIPMAN:

Q. Would you make a 20-inch sewer $4\frac{1}{2}$ inches thick?—A. Yes, sir.

By Mr. CHANDLER:

Q. What do you reckon the price of brick?—A. I reckon it \$28 a thousand, laid. I think anybody would take it at that price.

By Mr. COOMBS:

Q. Most of the sewerage now being put down is from one foot to 30-inch pipe, is it not?—A. Yes, sir.

By Mr. ELDRIDGE :

Q. What are these pipes made of ?—A. I can hardly say. They call it Scotch pipe.

Q. Is it sort of earthenware ?—A. Yes, sir ; it looks firmer than any similar pipe that I have seen.

By Mr. COOMBS :

Q. Were you a member of the legislature ?—A. Yes, sir.

Q. Was any bill introduced into the legislature in regard to this matter ?—A. I introduced a bill to direct that sewers of the size named therein, all over 16 inches, should be built of brick, for the reason that they were sending all this money out of the city, when we could supply the best brick in the country for this purpose, made here.

Q. What was the fate of that bill ?—A. I made a report for the committee in charge of the bill, and it was moved to be recommitted to another committee, and that was the end of it. It never saw daylight afterwards.

By Mr. CHANDLER :

Q. These plans were made, and this contract with Teemyer & Co., by the canal commissioners, and not with the board of public works ?—A. I think so ; under the act of July, 1870.

Q. And the board are in no way responsible for the plan or its execution ?—A. I think they are for the execution, because it is being executed by them.

Q. Were not the contracts with Teemyer & Co. made under section 5 of the appropriation act of July 15, 1870, which is as follows :

“ SEC. 5. *And be it further enacted*, That the mayor of the city of Washington, the Secretary of the Interior, the Commissioner of Public Buildings and Grounds, the Architect of the Capitol Extension, and their successors in office, together with two men to be appointed by the mayor of the city of Washington, by and with the advice and consent of the board of aldermen of said city, are hereby appointed a commission, who shall cause the Washington City Canal, either in whole or in part, to be dredged, or, if deemed best, dredged and narrowed, or arched and converted into a sewer : and for the purpose of making this improvement, the corporate authorities of the city of Washington are hereby authorized and directed to levy and collect a tax of one hundred thousand dollars upon all taxable property in said city, for defraying part of the expenses thereof, and the sum of fifty thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of defraying in part the expenses of the same ; and out of any moneys arising from the sale of any real estate, should any take place belonging to said canal, the Government shall first be indemnified for any moneys hereby appropriated ; the improvements aforesaid to be paid for at the rate of one-third by the Government and two-thirds by the city as the work progresses, and the total expenditure not to exceed the amount herein provided for.”

A. Yes, sir ; I think both contracts were made by the commissioners under that section.

Q. One of these contracts was November 6, 1870, and the other April 12, 1871 ?—A. Yes, sir.

Q. And the work did not pass under the control of the board of public works till about a year ago ?—A. Yes, sir ; the 20th of April, 1871.

Q. You have seen Mr. Mullett's report on this subject ?—A. Yes, sir.

By Mr. COOMBS :

Q. Was not all this work done after the board of public works took charge of it ?—A. Yes, sir.

By Mr. ELDRIDGE :

Q. Do you know whether the board of public works have ever accepted that work ?—A. I understand they have paid for it ; but understand that Mr. Mullett put the *onus* upon the plan, and not upon the want of conformity to the plan ; but because the plan had failed.

By Mr. COOMBS :

Q. If that work had been done according to Michler's plan would it have been a good work ?—A. I think it would have stood, although I do not think they were protected at every point. It was susceptible of being made stronger.

By Mr. ELDRIDGE :

Q. In what regard ?—A. The plank might have been put on longitudinally, making the bench so that the weight of earth put upon it would have aided in keeping it in its proper place, and I think it would have stood if the piles had been driven to a firm foundation.

Q. Do you know the character of the earth so as to know how far the piles would need to be driven in order to reach a firm foundation ?—A. I do not know ; it varies a good deal.

Q. Then the piles would have to be driven to different distances in different places ?—A. Yes, sir ; there is not a level bottom, it being much harder in some places than in others.

By Mr. COOMBS :

I notice in Mr. Mullett's testimony this statement, (on page 148 :) “As the pile foundation

appears to have been constructed in strict accordance with the requirements of the plans and specifications, which are radically defective, the work cannot be repaired except at an expense equivalent to rebuilding the structure in a proper manner."

Q. I wish to inquire whether those departures from the plans and specifications are not easily discoverable by any one who is acquainted with them?—A. I think any one conversant with Mr. Michler's plans, going there with a view to ascertain how far they had been carried out, would be struck at once with the variations from it—injuriously so.

By Mr. CHANDLER :

Q. Will you please read Mr. Mullett's report in this paragraph, (on page 150,) and say whether Mr. Mullett is correct or not?

The following paragraph was read by the witness :

"The amount of payments made on the above work, as reported by the auditors, is ——. The above account assumes that the work was done strictly in accordance with the specifications. Such is not the case, as heretofore stated. The specifications as well as their meaning can be ascertained from General Michler's report dated April 3, 1871; and the drawing with the marginal remarks accompanying the same require for the train-wall but one row of piles, tied by logs to a string timber bedded in the mud, 14 feet back of the front. This singular defect in the design was remedied by driving another row of piles 14 feet back of the front row, and by substituting iron rods for round log ties, an operation which not only required additional piles, but additional dredging for the floating of the pile-driver. Again, did the specifications require but an average length of 16 feet for all the piles, this would have been so insufficient that the contractors of their own accord furnished piles varying in length from 20 to 26 feet and upwards. On the other hand, were the piles required to be of yellow pine, whereas the piles furnished were of common fox-tail of field pine, a kind of lumber which could be procured much easier and cheaper than yellow pine. Again, after proportional piles driven in front of the train-wall."

A. This statement in regard to the train-walls is correct, I presume. None of my testimony relates to that at all. So far as the train-walls are concerned I think the statement is correct.

WASHINGTON, March 30, 1872.

Mr. BENJAMIN SEVERSON recalled.

By Mr. COOMBS :

Question. Have you made careful estimates of the probable cost of reopening the canal, undoing the work that has been done of late?—Answer. I have myself made that calculation with considerable care, but of course cannot say that it is perfectly accurate, for the reason that it would require a survey. It is a matter of calculation in figures, and I have therefore put it down in this way :

Having been requested to make an estimate of the damages done on the canal by the board of public works, I answer, that to remove the earth and various kinds of rubbish hauled into the canal, including that which has been taken up from one part and dropped into another part of the canal, will, I estimate, cost	\$21,500 00
For removing the condemned piling, bad walls, at the western end and at Seventh street, and wooden sewer trunks	25,500 00
For restoring some 10,600 feet, linear, of canal walls torn down and removed, at \$2 50 a foot	26,500 00
For losses and damages to bridges	6,500 00
For removing the obstructions placed in the canal at Third street in the attempt to extend the Tiber arch	5,500 00
Positive damages	85,500 00

The above does not include the losses of large sums of money expended, which is supposed to exceed largely the appropriation of \$150,000.

B. SEVERSON.

By Mr. CHIPMAN :

Q. In what condition would you leave the canal if that were done?—A. As I suppose, this would leave it in the condition in which it was when the canal commissioners took hold of it.

[The following copy of a former report was also received as a part of the testimony of this witness:]

No. 1.

" WASHINGTON, November 7, 1870.

" SIR: In accordance with your directions, I have marked the walls of the canal on a level 10 feet above the plane to which it is proposed to dredge. I have also made an approximate estimate of the quantity of dredging required to make the depth uniform, to the plane 4 feet below lowest tides, and find the amount to be 311,893 cubic yards. But to make the middle part of the canal 2 feet deeper, as has also been proposed, this will increase the quantity of dredging about 56,000 cubic yards, a total of 367,893 yards. The deepening of the middle of the canal will without doubt be well, and safe in the widest parts, and in the basins, but I feel quite confident that it would endanger the walls in the narrowest parts of the canal.

" Very respectfully,

" B. SEVERSON,
" Commissioner of the Canal.

" Hon. M. G. EMERY, Mayor."

" NOTE.—The above copy, No. 1, was placed in the hands of the mayor on the above date. And the annexed copy, No. 2, was presented to Major N. Michler, engineer of the canal commission, on the same date, at the office of the mayor.

" B. SEVERSON."

No. 2.

NOVEMBER 7, 1870.

Canal.—Computation of quantity of dredging required.

WESTERN SECTION.

		Cubic feet.
From outlet to lock at Seventeenth st., length 1,120 ft., width 145 ft., excavation 5 ft.		812,000
Seventeenth to Fourteenth street	2,100 ft., width 145 ft., 5½ ft. deep..	1,174,750
Fourteenth to Tenth street	1,700 ft., width 145 ft., 6 ft. deep...	1,479,000
Tenth to angle	1,400 ft., width 145 ft., 7 ft. deep....	1,421,000
To next angle	650 ft., width 75 ft., 7 ft. deep.....	341,250
To Sixth street	250 ft., width 75 ft., 7 ft. deep.....	131,250
Total	7,220	5,859,250

Equal to 217,009 $\frac{7}{8}$ cubic yards.

EASTERN SECTION.

From Sixth street to channel of Eastern Branch:

		Cubic feet.
Sixth to Third street	1,360 ft., width 75 ft., excavation 5½ ft.	663,000
In Third street	600 ft., width 70 ft., excavation 6 ft..	252,000
Maryland avenue to Virginia avenue...	2,890 ft., width 43 ft., excavation 5½ ft.	652,417
Virginia avenue to New Jersey avenue..	1,350 ft., width 41 ft., excavation 4½ ft.	249,075
New Jersey avenue to L street	1,140 ft., width 30 ft., excavation 3½ ft.	129,700
L to N street	1,040 ft., width 58 ft., excavation 4 ft.	241,280
Basin	640 ft., width 117 ft., excavation 5 ft.	374,400
Total	9,020	2,561,872

Whole length, 16,240 feet; total quantity, 8,421,122 cubic feet.

Cubic yards in western section	217,009 $\frac{7}{8}$
Cubic yards in eastern section	94,884 $\frac{1}{8}$
Total in cubic yards	311,893 $\frac{1}{4}$

The above is for a uniform depth of 4 feet below the plane of lowest tides; but to increase the depth to 2 feet more in the middle of the canal will add about 56,000 cubic yards to the excavation, thus making a total of 367,893 yards.

WASHINGTON, *March 30, 1872.*

EMIL S. FREDERICKS duly sworn and examined.

By Mr. COOMBS :

Question. Please state your name, residence, and occupation ?—Answer. Emil S. Fredericks ; Washington ; am an architect and civil engineer.

Q. Did you assist Captain Grant in making certain estimates and calculations ; and if so, state the result ?—A. The result is to be submitted in writing.

Q. These papers which you present contain the facts to which you wish to testify ?—A. Yes, sir.

Q. Have you been in the employ of the Government ?—A. Yes, sir ; I am, and have been for the last twenty years.

Q. In what capacity are you employed by the Government ?—A. Draughtsman and architect.

Q. Where ?—A. I am now in the Bureau of Yards and Docks, at the navy-yard.

[Paper submitted by witness was read and received. Insert marked B.]

By Mr. CHANDLER :

Q. You swear to those statements, do you ?—A. I did swear.

Q. Who wrote that report ? Who drew it up ?—A. Captain Grant drew up a part, and I drew up a part.

Q. What portions did Captain Grant draw up, and what did you draw up ?—A. I cannot tell exactly. He drew up half, and I half on the same subject.

Q. Divide it, if you please.—A. I cannot.

Q. You cannot tell what portions he drew up and what you drew up ?—A. No, sir.

Q. Whose handwriting is that ? [Pointing to a certain portion of the report.]—A. That is mine.

Q. Look over the first eight pages and see who drew it up.—A. I made the detailed estimate.

Q. Who drew up this first portion ?—A. Captain Grant half and I half.

Q. Did you make these calculations ?—A. I made some of them. I drew up the closing remarks ; about the concrete pavement we made together.

Q. Who wrote this latter part ?—A. Captain Grant's clerk.

Q. Number 3 ?—A. Captain Grant.

Q. The Washington Canal ?—A. We drew that up together.

Q. The grade of F street west ?—A. I drew up most of it.

Q. The sewers ?—A. I drew that up myself, I believe.

Q. Morrison's building ?—A. Captain Grant drew that.

Q. Parking North Capitol street ?—A. Captain Grant drew that himself.

Q. You are a draughtsman, are you not ?—A. Yes, sir.

Q. Have you been a stone-mason ?—A. Yes, sir.

Q. What work have you ever superintended as an architect ?—A. The institution for the deaf and dumb at Kendall Green.

Q. Were you the architect of that ?—A. Yes, sir ; most of the time.

Q. What are the others that you have superintended ?—A. The midshipmen's quarters at Annapolis, and the new naval hospital there.

Q. What other work ?—A. The addition to the Navy Department building.

Q. Did you superintend that as an architect or as master-mason ?—A. As an architect. I made the plans and superintended it.

Q. What other works of a large kind ?—A. In Germany I superintended the building of macadamized turnpike roads ; and also the street pavements of the city of Halle ; also extensive improvements there on the City Hall.

Q. What pavements did you construct there ?—A. Cobble-stone and Belgium.

Q. What other works in this country ?—A. A large number of private houses in this city.

Q. Have you been the architect of them ?—A. Yes, sir.

Q. What have you had to do with the pavements ?—A. I have learned the business as a part of my trade when a young man, and superintended those pavements in Germany, and have superintended many concrete pavements.

Q. State what concrete pavements you have had any experience in making.—A. Some of the walks at the building of deaf and dumb, and the walks at the midshipmen's quarters at Annapolis.

Q. Who has been the contractor for the work you have done ?—A. Mr. Thornton Smith for some, and Mr. Fitzgerald for some.

Q. Is the kind that Mr. Thornton Smith and Mr. Fitzgerald have laid the only kind you have laid yourself ?—A. Yes, sir.

Q. Is that the kind of pavement that you have estimated upon in this statement ?—A. No, sir.

Q. What kind of tar or binding substance have you estimated upon, as making a pavement costing 95 cents per yard ?—A. Coal-tar and pine-tar.

Q. Have you estimated for any refining process ?—A. No, sir.

H. How have you supposed that coal and pine-tar to be applied—cold, or by heating?—

A. By heating.

Q. Then there has been no boiling and no evaporation?—A. No, sir.

Q. Do you think a pavement made in that way would stand?—A. I do not see but it would.

Q. Has the pavement that you have laid for Thornton Smith and Fitzgerald stood the wear?—A. Yes, sir.

Q. Where?—A. That in front of the Agricultural Department has stood very well.

Q. Is that used for a heavy carriage-way?—A. No, sir. I have seen it, also, where it stood very well in stables and in carriage-houses.

Q. Has that at the Agricultural Department worn at all?—A. Not that I have seen.

Q. Do you say that the pavement at the Agricultural Department is in a good condition?—A. It was when I saw it last.

Q. When was that?—A. About a year ago.

Q. What is your idea of a pavement that will last?—A. The one made in front of the Arlington, if it was made as specified in the contract.

Q. Then your estimates for pavement at 95 cents are confined to those where the sand and stone are mixed with coal and pine tar without any distillation or the use of any asphalt?—

A. Yes, sir; where the stone has been put down separate and sprinkled over with tar.

Q. Was that the kind for which you made the estimate of 95 cents per yard?—A. Yes, sir.

Q. You have no asphalt there—nothing but coal and pine tar, they not being refined?—A. No, sir. I think, though, we have had some pavements laid with asphalt, and all that was charged was 95 cents.

Q. Was that sand and asphalt?—A. Yes, sir; sand, gravel, and asphalt.

Q. You said that that estimate made no reference to the boiling of the substances?—A. No, sir; I have allowed for nothing but the items specified.

Q. Have you had any practical knowledge of the amount of broken stone that it takes to lay a pavement with that material of any given depth?—A. That is very easily calculated.

Q. Have you ever superintended any such?—A. No, sir. It has been graveled and sanded in every case.

Q. Do you think that any pavement made of coal-tar and pine-tar and sand and gravel would answer for the streets of a city?—A. I think it would, of sufficient depth.

Q. State the manner in which you would make such a pavement to make it wear on the streets of a city.—A. I would first excavate thoroughly so as to make a foundation adapted to it; then I would mix thoroughly the coal and pine tar heated, and put it on so as to make the depth of the pavement not less than 7 to 8 inches. Then I would put on a coating of finer gravel and tar, properly heated and mixed, to the depth of 3 or 4 inches, roll each layer as it is put down, the first one with light rollers, and finish with a good heavy roller; then I would top-dress it with fine gravel and sand of about two inches.

Q. That would be about 14 inches in all?—A. Yes, sir; I think that would stand.

Q. Then the material would be substantially the same for the first, second, and third courses?—A. Yes, sir.

Q. Then you would make the coal and pine tar so that they would mix well?—A. Yes, sir; and I would use dry cement in the rolling, sprinkling dry cement over it and rolling it at once.

Q. Now, you think that pavement would stand?—A. Yes, sir. I think it would stand a few years.

Q. How long?—A. About five years, and then it would require a new top-dressing with sand and tar.

Q. What would be the cost of such a pavement as you have described?—A. I think about \$1 50.

Q. Will you state the prices you have been paid for the various concrete pavements you have laid?—A. They varied in price from 65 cents to \$1 50.

Q. What was paid for that at Annapolis?—A. I think for some \$1 25, and for some \$1 50.

Q. What did that cost at the Agricultural Department?—A. I don't know. I did not superintend that.

Q. What for the stables you referred to?—A. Ninety cents.

By Mr. COOMBS:

Q. What did the concrete pavement at the Deaf and Dumb Asylum cost?—A. Sixty-five cents.

Q. How deep was that?—A. Two and one-half to three inches.

Q. Did that include the grading and filling up?—A. Yes, sir.

Q. How much of that was done?—A. I think there were 8 inches on an average taken out.

DISTRICT OF COLUMBIA, COMPTROLLER'S OFFICE,
Washington, February 19, 1872.

SIR: I have the honor to inform you that the total debt of the old corporations of Washington, Georgetown, and the levy court amounts to \$3,256,382 48, viz:

Bonded debt	\$2, 355, 978 68
Floating debt	900, 403 80
Aggregate debts	<u>3, 256, 382 48</u>

Your obedient servant,

GEO. E. BAKER,
Comptroller.

Hon. W. E. CHANDLER.

DISTRICT OF COLUMBIA, COMPTROLLER'S OFFICE,
Washington, February 19, 1872.

SIR: I have the honor to inform you that the total debt of the District of Columbia amounts to \$2,450,000, viz:

Permanent improvement bonds	\$2, 000, 000 00
Water-stock bonds	450, 000 00
	<u>2, 450, 000 00</u>

Your obedient servant,

GEO. E. BAKER,
Comptroller.

Hon. W. E. CHANDLER.

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Washington, D. C., February 20, 1872.

SIR: The cost of the new brick sewer in Bridge street, Georgetown, District of Columbia, from Washington street to M street bridge, over Rock Creek, when completed, has been estimated by the engineer at \$8,982 40. The work has nearly been completed, but the exact amount of work performed cannot be stated until the actual measurement, now in course of preparation, has been turned in.

Most respectfully,

CHAS. S. JOHNSON,
Assistant Secretary.

Hon. W. E. CHANDLER.

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington City, February 20, 1872.

SIR: The following statement shows the total payments made to the newspapers of the District since the report of this office of January 31, 1872, per Schedule B, viz:

For advertising loan and Piedmont and Potomac Railroad:	
Anzeiger	\$3, 058 50
National Republican	6, 893 33
	<u>\$9, 951 83</u>
For advertising second registration and election:	
Anzeiger	1, 948 00
Patriot	1, 201 00
	<u>3, 149 00</u>
For legislative assembly:	
New National Era	298 00
Daily Chronicle	402 00
	<u>700 00</u>
For advertising for District offices:	
National Republican	164 10
	<u>13, 964 93</u>
Total amount	<u>13, 964 93</u>

This office is not informed of the amount of bills for printing and advertising outstanding. It is believed, however, that the amount, if any, is quite small, as the appropriations made by the legislature of the District for printing and advertising are very nearly exhausted.

Respectfully submitted.

GEO. E. BAKER,
Comptroller.

Hon. WILLIAM E. CHANDLER,
Attorney for the District of Columbia, &c.

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Washington, D. C., February 26, 1872.

SIR: In answer to sundry questions of Mr. B. E. Green, counsel for memorialists, dated the 19th, 20th, 22d, and 23d instant, I submit the following answers, to wit:

Question 1. The value of old material taken up in improvements, and its disposition, specifying the items generally.—Answer. I submit report of superintendent of property, showing report of material, estimated value, and where stored, marked A.

Question 2. The cost per yard for hand excavation, also for dredging, in opening the James Creek Canal, with the total number of yards excavated.—Answer. See letter of B. Oertly, assistant engineer board of public works, submitted herewith, marked B.

Question 3. The cost of the city military, and by whom it is paid.—Answer. The board of public works have received from the District of Columbia for repairs of District armory \$1,000, of which \$750 has been expended.

Question 4. The amount of money paid out of the treasury to carry the two elections, other than that authorized by law.—Answer. None so expended.

Question 5. Who paid for liquor, ale, and other refreshments, furnished free at the last election in the polling place of the eleventh district?—Answer. I have no knowledge that such were furnished, nor who paid for them, if they were.

Question 6. A list of the Washington Club, with names of District officials and contractors.—Answer. As the board of public works have no connection with this club, nor any other similar organization, I respectfully suggest that the information desired should be sought in some other way.

Question 7. The plan, specifications, and contract for the M street bridge.—A. These have been already furnished.

Question 8. A complete list of all the officers and employes of the District government and board of public works, with their names, salaries, and duties.—A. See additional list, submitted herewith, marked C.

Question 9. A reply to these questions: Who is the superintendent of streets? Was the work mentioned in the exhibit sent to the committee (the document without signature, not those certified to by B. Oertly) done under the direction of the superintendent of streets; if not, who is the party responsible for these expenditures?—Answer. George W. Balloch, as a reference to list of officers already furnished shows.

Question 10. Wanted, the contract, or contracts, for all the different kinds of work on Third street west.—Answer. They are on file in the office of the secretary of the District, as provided by the organic act.

Question 11. All the contracts, of every description, made with P. Cullinane, J. O. Evans, Teemyer & Evans, and Lewis Clephane.—Answer. These are on file, as provided by law, in the office of the secretary of the District, and enumerated in statement already furnished.

Question 12. Contracts for work on North Capitol street, with all changes made therein, and when made.—Answer. The contract for North Capitol street, between P. McNamara and corporation of Washington, was made with S. J. Bowen, mayor, on April 7, 1870, and the continuation of work authorized by the board of public works on July 21, 1871. Contract and extension are on file in the office of the secretary of the District, as are all other contracts for work on this street.

Question 13. Original bills of the cost of Morrison's building, as audited by H. R. Searles, the architect; also, all changes or abatements or deductions made by any commission appointed by the board of public works.—Answer. The abstract of original bills, and award made by a commission appointed by the governor of the District of Columbia, is herewith submitted, marked D. The work, being for the District of Columbia, was done under the authority of the governor and legislature, and not by the board of public works.

Question 14. Contracts with Riley A. Shinn for grading on Bridge street and sewer on Bridge street, Georgetown, District of Columbia.—Answer. These contracts are in course of preparation, their completion having been delayed on account of the sickness of the engineer.

Very respectfully, &c.,

ALEX. R. SHEPHERD,
Vice-President.

WILLIAM E. CHANDLER, Esq.,
Washington, D. C.

A.—Abstract of old material received and issued by superintendent of property from November 27, 1871, to February 24, 1872.

Date.	Name.	Remarks.	Curbing. Feet.	Gutter-stone. Feet.	Gutter-bridge. Feet.	Bridge-stone. Feet.	Broken stone. L'ds.	Cobble-stone. Loads.	Sewer-traps. No.	Brick. No.	Cement. B'ls
	Massachusetts avenue	Deposited in canal yard		555			19	26		391	
	New York avenue	do	372	97		774	179	157		3,255	
	Vermont avenue	do	732	9	95	1,033	32	3	3	3,150	
	Maryland avenue	do						25			
	Pennsylvania avenue, east	do						93			
	Rhode Island avenue	do	18								
	E street, northwest	do				156	29				
	G street, northwest	do					88	204			
	H street, northwest	do			20	221	48	224		12,935	
	I street, northwest	do	621	308		313	38	333		6,639	
	M street, southwest	do						49			
	Third street	do	33		29	416	103	38			
	Tenth street	do	33		32	54	42	5			
	Eleventh street, northwest	do	55			104	20	17			
	Twelfth street, northwest	do	34	317	12	34	51	5	1	2,200	
	Thirteenth street, northwest	do		74	30	277	13	49			
	Fourteenth street, northwest	do	251		12	243	10				
	Fifteenth street, northwest	do	40		240	457	4	16	3	380	
	Sixteenth street, northwest	do				128		15			
	Seventeenth street, northwest	do			22	76	2	14			
	Eighteenth street, northwest	do	171		36	94	36	23		1,600	
	Twenty-first street, northwest	do	373	871	80	707	87	49	4	10,500	4
	North Capitol street	do						273			
	Reservation No. 4	do						120			
	Alley between Twelfth and Thirteenth and I and K streets.	do	118		30	95	15	10		1,850	
Jan. 22, 1872	Issued to W. H. Chase	Taken from I street								26,284	
Nov. 27, 1871		On hand at P street yard	1,188	512					1	1,500	
Nov. 27, 1871		On hand at canal yard	3,432	212		1,109	160	200			
		Total to be accounted for	7,471	2,955		6,291	976	1,948	12	70,684	4
		Total issued	2,869	641		768		1,948		47,114	
		Balance remaining on hand, (see report superintendent property, February 24, 1872.)	4,602	2,314		5,523	976		12	23,570	

J. C. WALL,
Superintendent of Property, Board of Public Works.

B.

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Engineer's Office, Washington, D. C., February 26, 1872.

SIR: I have the honor to state that the contract price for excavation of the James Creek Canal was 30 cents per cubic yard, which included hand excavation and dredging; that the total number of cubic yards excavated was 118,000. The price paid by contractor for hand excavation is unknown to this office.

Very respectfully, &c.,

B. OERTLY,
Assistant Engineer.

Hon. A. R. SHEPHERD,
Vice-President Board of Public Works.

C.

Additional list in detail of temporary employes of the board of public works, referred to in foot-note in list furnished February 6, 1872.

Names.	Duty.	Where employed.	Rate of pay.	
			Amount.	Per annum, month, or day.
1. George W. Forsyth.	Leveler	Engineer's office	\$5 00	Day.
2. A. C. Chenoweth	do	do	5 00	Day.
3. E. H. Cummins	do	do	5 00	Day.
4. J. B. McIntyre	do	do	5 00	Day.
5. V. E. Von Koerber	Draughtsman	do	1,800 00	Annually.
6. J. C. A. Lang	do	do	5 00	Day.
7. Joseph Lyons	do	do	4 00	Day.
8. William T. Forsyth	do	do	4 00	Day.
9. P. O'Callahan	Rodman	do	2 50	Day.
10. John J. Gleason	do	do	2 50	Day.
11. C. Schwartz	do	do	2 50	Day.
12. B. Reneham	do	do	2 50	Day.
13. P. K. Thomas	do	do	2 50	Day.
14. J. C. H. Brown	do	do	2 50	Day.
15. Daniel Lynch	Axman	do	2 50	Day.
16. Isaiah Hatton	do	do	2 50	Day.
17. Lewis Knight	do	do	2 50	Day.
18. M. Gonzales	do	do	2 50	Day.
19. James A. Ennis	do	do	2 50	Day.
20. A. B. Tinney	Foreman	Superintendent of streets' office	1,200 00	Annually.
21. George N. Beall	do	do	1,000 00	Annually.
22. William E. Burton	do	do	1,100 00	Annually.
23. W. B. Chase	Clerk	Superintendent sewers' office	1,800 00	Per annum.
24. Charles H. Peters	Foreman	do	1,400 00	Per annum.
25. W. H. Simpson	Sewer-tapper	do	750 00	Per annum.
26. A. H. Kinney	Assistant to superintendent of property.	Superintendent's property's office.	5 00	Day.
27. J. Allen	Clerk	Engineer's office	1,500 00	Per annum.
28. G. S. Emery	do	do	1,200 00	Per annum.
29. W. C. Reddall	do	do	1,080 00	Per annum.
30. John F. Cox	do	Secretary's office	1,200 00	Per annum.
31. Joseph E. Lee	do	do	900 00	Per annum.
32. Joseph C. Rock	do	do	1,200 00	Per annum.
33. W. H. Smith	do	Vice-president's office	960 00	Per annum.
34. Isaac N. Carey	do	do	1,000 00	Per annum.
35. P. F. Wilson	do	do	1,500 00	Per annum.
36. Christopher Edie	do	Paymaster's office	1,200 00	Per annum.
37. M. R. Hook	do	Superintendent of lamps and gas office.	1,000 00	Per annum.
38. F. H. Johnson	do	Contract office	1,200 00	Per annum.
39. F. Stosch	do	Inspector of bridges' office	900 00	Per annum.
40. John Morris	do	Auditor's office	1,000 00	Per annum.
41. E. B. Townsend	do	Sup't of property's office	1,000 00	Per annum.
42. F. S. Mechlin	do	do	1,000 00	Per annum.
43. P. H. Hogan	do	Superintendent of streets' office	1,000 00	Per annum.
44. C. C. Wilson	do	do	1,200 00	Per annum.
45. J. C. Lay	do	Auditor's office	1,800 00	Per annum.
46. A. R. Brown	do	do	1,200 00	Per annum.
47. Thomas H. Quinn	do	do	1,200 00	Per annum.
48. Daniel Donovan	do	do	1,200 00	Per annum.
49. Lewis Krafft	do	do	1,200 00	Per annum.
50. H. C. Elliott	do	do	1,200 00	Per annum.
51. Charles Byrne	Messenger	Engineer's office	600 00	Per annum.
52. John Gray	do	do	600 00	Per annum.
53. L. G. Flechter	do	Secretary's office	700 00	Per annum.
54. C. C. Briscoe	do	do	600 00	Per annum.

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Date.	Name.	Remarks.	Curbing. Feet.	Gutter-stone. Feet.	Gutter-bridge. Feet.	Bridge-stone. Feet.	Broken stone. L'ds.	Cobble-stone. Loads.	Sewer-traps. No.	Brick. No.	Cement. B'ls
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	G street, northwest	do			20	221	48	224		12,935	
	H street, northwest	do				313	38	333		6,639	
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	Tenth street	do	33		32	54	42	5			
	Eleventh street, northwest	do	55			104	20	17			
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	Fourteenth street, northwest	do	251		12	243	10				
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	Sixteenth street, northwest	do				128		15			
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J. C. WALL,
Superintendent of Property, Board of Public Works.

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Very respectfully, &c.,

B. OERTLY,
Assistant Engineer.

Hon. A. R. SHEPHERD,
Vice-President Board of Public Works.

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7. Joseph Lyons	do	do	4 00	Day.
8. William T. Forsyth.	do	do	4 00	Day.
9. P. O'Callahan	Rodman	do	2 50	Day.
10. John J. Gleason	do	do	2 50	Day.
11. C. Schwartz	do	do	2 50	Day.
12. B. Reneham	do	do	2 50	Day.
13. P. K. Thomas	do	do	2 50	Day.
14. J. C. H. Brown	do	do	2 50	Day.
15. Daniel Lynch	Axman	do	2 50	Day.
16. Isaiah Hatton	do	do	2 50	Day.
17. Lewis Knight	do	do	2 50	Day.
18. M. Gonzales	do	do	2 50	Day.
19. James A. Ennis	do	do	2 50	Day.
20. A. B. Tinney	Foreman	Superintendent of streets' office	1,200 00	Annually.
21. George N. Beall	do	do	1,000 00	Annually.
22. William E. Burton	do	do	1,100 00	Annually.
23. W. B. Chase	Clerk	Superintendent sewers' office	1,800 00	Per annum.
24. Charles H. Peters	Foreman	do	1,400 00	Per annum.
25. W. H. Simpson	Sewer-tapper	do	750 00	Per annum.
26. A. H. Kinney	Assistant to superintendent of property.	Superintendent's property's office.	5 00	Day.
27. J. Allen	Clerk	Engineer's office	1,500 00	Per annum.
28. G. S. Emery	do	do	1,200 00	Per annum.
29. W. C. Reddall	do	do	1,080 00	Per annum.
30. John F. Cox	do	Secretary's office	1,200 00	Per annum.
31. Joseph E. Lee	do	do	900 00	Per annum.
32. Joseph C. Rock	do	do	1,200 00	Per annum.
33. W. H. Smith	do	Vice-president's office	960 00	Per annum.
34. Isaac N. Carey	do	do	1,000 00	Per annum.
35. P. F. Wilson	do	do	1,500 00	Per annum.
36. Christopher Edie	do	Paymaster's office	1,200 00	Per annum.
37. M. R. Hook	do	Superintendent of lamps and gas office.	1,000 00	Per annum.
38. F. H. Johnson	do	Contract office	1,200 00	Per annum.
39. F. Stosch	do	Inspector of bridges' office	900 00	Per annum.
40. John Morris	do	Auditor's office	1,000 00	Per annum.
41. E. B. Townsend	do	Sup't of property's office	1,000 00	Per annum.
42. F. S. Mechlin	do	do	1,000 00	Per annum.
43. P. H. Hogan	do	Superintendent of streets' office	1,000 00	Per annum.
44. C. C. Wilson	do	do	1,200 00	Per annum.
45. J. C. Lay	do	Auditor's office	1,800 00	Per annum.
46. A. R. Brown	do	do	1,200 00	Per annum.
47. Thomas H. Quinn	do	do	1,200 00	Per annum.
48. Daniel Donovan	do	do	1,200 00	Per annum.
49. Lewis Krafft	do	do	1,200 00	Per annum.
50. H. C. Elliott	do	do	1,200 00	Per annum.
51. Charles Byrne	Messenger	Engineer's office	600 00	Per annum.
52. John Gray	do	do	600 00	Per annum.
53. L. G. Flechter	do	Secretary's office	700 00	Per annum.
54. C. C. Briscoe	do	do	600 00	Per annum.

C.—Additional list of temporary employes of board of public works, &c.—Continued.

Names.	Duty.	Where employed.	Rate of pay.	
			Amount.	Per annum, month, or day.
55. Herbert Harris	do	Vice-president's office	\$700 00	Per annum.
56. George Lee	do	do	720 00	Per annum.
57. Charles Clements	do	do	300 00	Per annum.
58. George W. Reed	do	Auditor's office	600 00	Per annum.
59. Robert L. Payne	do	Superintend't of sewers' office	720 00	Per annum.
60. Walter Crook	do	Assessor's office	600 00	Per annum.
61. H. C. Addison	Foreman in charge	G street property-yard	1,000 00	Per annum.
62. H. Osterhout	do	Sixth street property-yard	900 00	Per annum.
63. J. R. Brooks	Clerk	P street property-yard	840 00	Per annum.
64. T. E. Sands	do	High street (Georgetown) prop- erty-yard	1,000 00	Per annum.
65. F. H. Deal	Foreman	Sixth street property-yard	2 00	Day.
66. H. H. Voss	Inspector of pipe and curbing	G street property-yard	1,200 00	Per annum.
67. W. F. Wallace	Inspector	General duty	1,500 00	Per annum.
68. H. B. Gray	do	do	1,200 00	Per annum.

I certify that the above is a correct list of the employes of the board.

CHA'S S. JOHNSON,
Assistant Secretary.

D.

Cost of work and material for improvements to Columbia Buildings, on Four-and-a-half street; tabular statement showing the amounts reported by H. R. Searle, esq., as due to J. G. Naylor, and amounts recommended for payment by commissioners.

Number.	Names of parties who did or furnished the work.	Character of work.	Amount claimed upon Searle's report.	Amounts allow- ed by commis- sioners.
1	Michael Fitzgerald	Concreting cellars	\$425 70	\$384 00
2	Shillinger Paving Co.	Pavement of sidewalk and fire-proof floors	1,646 55	1,452 69
3	John C. Hogan	Awnings	746 90	679 00
4	William A. Johnson	Lightning-rods	385 00	219 00
5	W. D. Wyville	Tinning	550 00	168 55
6	J. W. Boteler & Bro.	Furniture	2,146 45	1,848 25
7	J. W. McKnight	do	16,666 46	15,456 68
8	do	Paper-hanging	1,584 46	1,027 73
9	J. Alexander	do	2,014 60	1,584 20
10	William Simpson	Brick-work	6,128 10	4,453 15
11	A. H. Parry	Whitewashing and kalsomining	796 95	161 72
12	J. E. Peters	Kalsomining	167 67	121 50
13	Aaron Clark	Cleaning	137 50	30 00
14	Bernard West	Plastering	4,065 60	2,096 15
15	A. R. Shepherd, Bros. & Co.	Plumbing, chandeliers, mantels, &c.	6,777 66	6,754 16
16	J. Hudson	Painting and glazing north house	1,708 63	1,553 30
17	C. McNichol	Painting and glazing south house	1,688 50	1,535 00
18	G. M. Wight	Furniture	955 50	792 00
19	Phoenix Iron Company	Iron beam	706 61	706 61
20	Fiske's	Iron gates	93 83	83 83
21	Architectural Iron Works	Sashes, frames, doors, and shutters	2,985 00	1,783 40
22	Percentage upon bills 19, 20, and 21, charged in aggregate		590 64	
23	James H. Meade	Iron-work	748 00	329 00
24	J. G. Naylor	Carpenter-work, lumber, hardware, miscellaneous	24,979 00	14,567 26
	Total		78,695 31	57,787 18

I certify that the within statement is correct.

CHAS. S. JOHNSON,
Assistant Secretary.

Proposals for paving carriageways opened September 1, 1871.

No.	Name of bidder.	Kind of pavement.	Streets.	Price.	Remarks.
1	H. McGinnis.....	Macadam	New York avenue	\$1 35	Per yard.
2	Charles H. Eslin	Macadam	K street	1 25	Do.
		Seneca stone.....	All	1 67	Per square yard.
		Blue stone .....	.....	1 62	Do.
3	Thomas Lewis.....	Macadam 12 inches deep.....	.....	1 85	Do.
		Macadam 6 inches deep.....	.....	1 26	Do.
		Belgian stone.....	.....	3 83	Do.
		Blue stone.....	.....	1 68	
		Seneca stone.....	.....	1 58	
		Talfourd macadam.....	.....	5 73	
		Ordinary macadam 8 inches thick.....	.....	1 30	
		Ordinary macadam 10 inches thick.....	.....	1 90	
		Ordinary macadam 12 inches thick.....	.....	2 10	
		Morse patent .....	.....	3 10	
		Trinidad asphaltum .....	.....	3 72	
4	John L. Smithmyre	Metropolitan prismatic (wood).....	.....	3 20	Per yard, including 2 feet grading.
5	John G. Stafford	Macadam .....	.....	1 39	Per square yard.
		Seneca.....	.....	1 34	Do.
		Follansbee patent.....	.....	3 60	
		Smith, concrete .....	.....	2 25	
		Macadam	12th street, from F street north to river.....	1 40	
		Seneca.....	.....	1 38	
		Follansbee patent.....	.....	3 60	
		Smith, concrete .....	.....	2 30	
		Macadam	G street	1 50	
		Stone .....	.....	1 50	
		Follansbee, wood.....	.....	3 75	
		Smith, concrete .....	.....	2 40	
		Macadam	11th street.....	1 55	
		Paving-stone.....	.....	1 55	
		Wood.....	.....	3 80	
		Macadam	3d street.....	1 45	
		Stone .....	.....	1 45	
		Concrete .....	.....	2 80	
		Follansbee, wood .....	.....	3 75	
		Macadam	K street	1 50	
		Seneca .....	.....	1 50	
		Follansbee, wood.....	.....	3 80	
		Smith, concrete .....	.....	2 80	
		Smith, concrete	F street.....	2 50	
		Stone .....	.....	1 40	
6	Albert Gleason	Seneca	Either of the streets named in advertisement	1 65	
		Blue .....	.....	1 60	
		Macadam 12 inches deep.....	.....	1 85	

Proposals for paving carriageways opened September 1, 1871—Continued.

No.	Name of bidder.	Kind of pavement.	Streets.	Price.	Remarks.
6	Albert Gleason—Con.	Macadam 6 inches deep.	.....	\$1 25	
7	John O. Evans	Scharf patent, asphaltic.	All or any streets advertised.	3 40	
8	B. F. Hutchins & Co.	Macadam	All	1 84	
		Blue rock	.....	1 62	
		Seneca	.....	1 63	
		Cobble-stone	.....	66	
9	L. A. Bartlett & Jos. Williams.	Wood, (Smith's patent)	12th street, northwest.	3 50	
		Wood, (Morse patent)	.....	3 10	
		Seneca	.....	1 65	
		Blue	.....	1 67	
		Belgian	.....	3 85	
		Smith's Georgia yellow pine	9th or H street, or any other street.	3 65	
10	A. Gleason	Blue stone.	12th street, from F street north to river	1 75	
		Blue stone.	4th street, from Pennsylvania avenue to arsenal	1 75	
		Blue rock	G street north from 15th street to 3d street west	1 49	
		Blue rock	G street north from 17th street to 22d street	1 59	
		Blue rock	11th street, from Pennsylvania avenue to M street	1 49	
		Blue rock	K street, from G street north to 6th street	1 45	
		Blue rock	15th street west and Vermont avenue, between Pennsylvania avenue and M street north.	1 47	
		6 to 9 inches long, 7 to 8 inches in depth, granite 3 to 4 inches wide.	12th street, from F street north to river	4 90	
		6 to 9 inches long, 7 to 8 inches in depth, granite 3 to 4 inches wide.	G street, from 15th street to 3d street, and from 17th street to 22d street, and 11th street from Pennsylvania avenue to M street north.	4 90	
11	Henry H. Bingham	Biddle patent, wood.	Any and all streets	2 90	Per superficial square yard, and grading per cubic yard, at 24 cents additional, but willing to waive the grading if board of public works can have it done for less.
		6-inch compressed asphaltum	All the streets	3 30	{ Per square yard, excavation and grading 30 cents per cubic yard.
		8-inch compressed asphaltum	.....	3 68	
12	William B. Parisen	Blue rock	12th street west, from I street north to river.	1 56	
13	Emmart, Dunbar & Co.	Seneca.	Any or all streets.	1 60	
		Macadam 9 inches thick	Any of the streets	2 25	
14	Gardner Warren	Spruce, not burnetized	.....	3 00	
		Spruce, burnetized	.....	3 45	
		White hemlock, burnetized	.....	3 20	
		White hemlock, not burnetized	.....	2 80	
		White pine, not burnetized	.....	3 15	
		White pine, burnetized	.....	3 55	
15	L. Clephane	Miller patent	Pennsylvania avenue between 15th street and Aqueduct bridge.	3 10	Will keep in repair for 3 years; no charge to be made for excavation or grading.
		Stone	.....	3 10	
		Ballard	.....	3 10	

16	George Mason & Hawkins Taylor.	Miller Stowe Ballard Egan's asphalt composite Macadam with blue stone, not exceeding 12 inches deep.	Either of the other streets named in advertisement. Any of the streets Pennsylvania avenue New York avenue G street, from 17th street to 22d street H street All or any streets Pennsylvania avenue New York avenue, from 15th street to 3d street west K street, from G street north to 6th street 4th street, from Pennsylvania avenue to arsenal E street north, from 13th street west to Judiciary Square G street north, from 17th street west to 22d street west 12th street west, from F street to river; 11th street west, from Pennsylvania avenue to M street north; 3d street west, from Indiana avenue to New York avenue; F street north, from 17th street to 22d street west; H street north, from 14th street to 7th street west; 15th street west and Vermont avenue; 9th street west, from Pennsylvania avenue to Boundary, same as foregoing streets for the different pavements. All the streets	3 20 3 20 3 20 3 10 1 29 2 52 3 15 1 68 1 33 1 65 1 75 2 90 1 33 1 65 1 75 2 90 1 33 1 65 1 75 2 90 1 33 1 65 1 75 2 90 1 33 1 65 1 75 2 90 1 90 1 70 1 90 1 50 1 75 1 63 1 75 1 75 1 50 1 75	Per square yard <
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Proposals for paving carriageways opened September 1, 1871—Continued.

No.	Name of bidder.	Kind of pavement.	Streets.	Price.	Remarks.
20	J. V. W. Vandenburg— Continued.	Macadam	12th street west, from F street north to river	\$1 65	And cobble-stones.
		Macadam	11th street west, from Pennsylvania avenue to N street north	1 65	
		Macadam	3d street west, from Indiana avenue to New York avenue	2 00	
		Macadam	F street north, from 17th street to 22d street west	1 50	
		Macadam	H street north, from 7th street to 14th street west	1 68	
		Macadam	15th street west and Vermont avenue, from Pennsylvania avenue to N street north	1 63	
		Macadam	9th street west, from Pennsylvania avenue to Boundary	1 70	
			Fifty cents per square yard additional for three inches of limestone dressing on top of the 12-inch blue stone.		
21	W. S. Morse & Co	Morse, wood—patent, including grading.	Pennsylvania avenue, from 15th street to Aqueduct Bridge; New York avenue, from 15th street west to 3d street east; K street, from G street to 6th street; 11th street west, from Pennsylvania avenue to N street north; 3d street west, from Indiana avenue to New York avenue.	3 00	
		Blue stone, including grading .....	.....	1 58	
		Belgian, 6-inch cube blocks granite .....	.....	3 85	
		Trinidad and Cuban asphaltum .....	.....	3 50	
		Seneca, inch grading .....	.....	1 58	
		Macadam, Telfourd .....	.....	6 00	
		Ordinary macadam, 8 inches thick, including grading.	3d street west, from Indiana avenue to New York avenue	1 20	
		Ordinary macadam, 10 inches thick.	.....	1 75	
		Ordinary macadam, 12 inches thick.	.....	2 00	
		Ordinary macadam, 14 inches thick.	.....	2 25	
		Ordinary macadam, 16 inches thick.	.....	2 50	
		Ordinary macadam, 18 inches thick.	.....	2 75	
		Morse patent, including grading .....	.....		
		Blue	11th street west, from Pennsylvania avenue to N street north	3 00	
		Belgian .....	.....	1 58	
		Superior Trinidad .....	.....	3 85	
		Seneca .....	.....	3 50	
		Macadam, Telfourd road, and for ordinary macadam.	.....	1 58	
		Same as 3d street .....	.....	6 00	
			New York avenue, from 15th street west to 3d street east—same as other bids.		
			Pennsylvania avenue, from 15th street west to Aqueduct Bridge—same as other bids.		
			K street, from G street north to 6th street—same as other bids		
22	Riley A. Shinn	Seneca, per sample No. 1	K street, from G street north to Circle	1 29½	

[illegible]

[illegible]

Includes grading, not exceeding two feet; cutting over that grading is bid for at 30 cents per cubic yard

Proposals for paving carriageways opened September 1, 1871—Continued.

[illegible]

I certify that the within is a true copy.

CHAS. JOHNSON, *Asst. Secretary.*

List of contracts whereof copies were filed in the office of the secretary of the District at the dates hereinafter stated.

FILED DECEMBER 13, 1871.

No.	Name.	Work.	Extended so as to embrace—
1	Frank H. Finley	Brick foot-pavement along Twelfth street west, from E street northwest to F street northwest; also, the setting curbing along Twelfth street and between said points.	The paving of footways, and grading and setting curb along Twelfth street, between Pennsylvania avenue and E street northwest, from intersection to intersection.
2	George Neitzey	Brick foot-pavement on Twelfth street west from Pennsylvania avenue to E street northwest.	Foot-pavements and curbs on Twelfth street northwest, from Sixth street to canal.
4	Frank H. Finley	Brick foot-pavement along Eleventh street west, from F street northwest to E street northwest; also, to set the curb-stones along said Eleventh street west between said points.	
8	James Fitzpatrick	Brick foot-pavement along Eighth street east, from G street to I street southeast; also, the setting of curb-stones along said Eighth street between said points.	
9	Henry Himber	Brick foot-pavement on Seventeenth street west, from Pennsylvania avenue to G street northwest; also, setting curb-stones on Seventeenth street west between same points; also, for grading the carriageway of Seventeenth street from Pennsylvania avenue to New York avenue.	Part of the foot-pavement, curb, and carriageway on Seventeenth street northwest, from G street to New York avenue between points of intersection.
12	Delaware Hudnell	Brick foot-pavement along Pennsylvania avenue, from Fifteenth street west to Madison Place; also, to set curb-stones along said Pennsylvania avenue and between said points.	The foot-pavements and curbs on Pennsylvania avenue, from Madison Place northwest to Eighteenth street northwest between the points, &c.
13	James A. Nelson	Brick foot-pavement along New York avenue, from Fourteenth street to Fifteenth street northwest; also, to set curb-stones on said New York avenue between said points.	The foot-pavements and curbs on New York avenue, from Fourteenth street northwest to Ninth street northwest between the points of intersection.
17	Henry Himber	Brick foot-pavements on G street, from Seventeenth street to Eighteenth street northwest; also, setting curb-stones on G street between same points.	
18	Andrew Gleason	Brick foot-pavements on G street, between Fourteenth and Fifteenth streets northwest; also, for setting curb-stones on G street between Fourteenth and Fifteenth streets northwest.	The foot-pavements and curbs, from Fourteenth street northwest to Third street northwest between the points of intersection.
20	Patrick Cullinane	Brick foot-pavement along Four-and-a-half street west, from Maine avenue to the arsenal, and to set curb-stones along said Four-and-a-half street west between said points.	
21	Robert S. Hulse	Brick foot-pavement along H street northwest, from Twenty-fourth street to Twenty-fifth street northwest, and set curb-stones along H street and between said points.	The foot-pavement and curb on H street northwest, from Twenty-fourth street northwest to Eighteenth street northwest between the points of intersection.
22	William Fletcher	Brick foot-pavement along I street, from Twenty-fifth street to Twenty-sixth street northwest; also, set curb-stones along I street between said points.	The foot-pavement and curb along I street northwest to Eighteenth street northwest between the points of intersection.
23	Patrick Crowley	Brick foot-pavement along Thirteenth street, from I street to K street northwest; also, to set curb-stones along said Thirteenth street and between said points.	The foot-pavement and curb on Thirteenth street northwest, from K street to Massachusetts avenue, and from I street to F street northwest between the points named.
24	Daniel A. Connolly	Brick foot-pavement along H street, from Second street to Third street northwest; also, to set curb-stones along said H street and between said points.	The foot-pavements and curbs on H street, from Second street to Boundary street between the points of intersection.

List of contracts whereof copies were filed in the office of the secretary of the District at the dates hereinafter stated—Continued.

No.	Name.	Work.	Extended so as to embrace—
25	Hugh McGinniss	Brick foot-pavement along Rhode Island avenue, north side, from Seventh street northwest to Boundary street; also, to set the curb-stones along said Rhode Island avenue, north side, and between said points; also, to grade carriageway along Rhode Island avenue and between said points.	
27	Lewis S. Filbert	The Stowe wooden pavement on Twelfth street, between Pennsylvania avenue and E street northwest. (This pavement having been substituted in lieu of the Roberts pavement.)	The paving of Twelfth street west, from E street northwest to F street northwest between the points named.
28	(See back.)		
51	Robert S. Hulse	Macadamize H street northwest, from Twenty-fourth street to Twenty-fifth street northwest; narrow roadway to 36 feet.	
61	George W. Goodall	A sewer on Fifth street northwest, from D street to E street northwest, 12-inch	
62	H. J. McLaughlin	A sewer on H street, between Twelfth and Thirteenth streets northwest, 12-inch	
63	Patrick Cullinane	A sewer on Four-and-a-half street west, from P street to O street, 12-inch	
68	George Follansbee	A sewer on Missouri avenue, from Four-and-a-half street to Third street, to be semi-circular form, from 7½ feet by 4½ feet.	Sewering of Fifth street northwest between E and G streets.
71	George Boswell	A sewer on Pennsylvania avenue, from First street to Second street east, 15-inch	Sewering of H street northwest, from Twelfth street to Seventh street, and from Thirteenth street to Fourteenth street northwest.
73	George Neitzey	Lay the main sewer-laterals and water-services on Twelfth street, between Pennsylvania avenue and the canal.	Sewering of Four-and-a-half street southwest from P street to canal.
75	Brennan & Schayer	A sewer on E street, from Thirteenth street to Tenth street northwest, 12-inch	Sewering of Missouri avenue, from Four-and-a-half street west to Sixth street west.
79	Alexander Paterson	Water and sewer services on H street north, from Third street west to the Tiber	Sewering of Pennsylvania avenue, from Second street to Eighth street east.
80	Thomas Kirby	A sewer on New York avenue, from Sixth street to Seventh street west	
84	Brennan & Schayer	A sewer on Vermont avenue, from Massachusetts avenue to K street northwest, 15-inch	
88	Leonidas Scott	A sewer of 12 and 15 inch pipe on First street east, from Pennsylvania avenue to D street south; also, a sewer of 12 and 15 inch pipe on South Capitol street, from B street to D street south.	Sewering of New York avenue, from Sixth street to North Capitol street.
93	R. G. Campbell	Water and sewer services on Massachusetts avenue, between Eleventh and Fourteenth streets.	
100	George Follansbee	A sewer on Second street northwest, from B street to G street northwest; also, on First street northwest, from B street to G street northwest.	
103	(See back.)		
105	Hugh Murray	Grade Rhode Island avenue between Connecticut avenue and Seventeenth street; also, grade Eighteenth street between W street and Massachusetts avenue; also, lay foot-walks on north side of Rhode Island avenue and on east side of Eighteenth street.	
106	Patrick Cullinane	Grade and gravel K street southeast, between Four-and-a-half street and James Creek canal.	
107	Lewis Clephane	Re-set curb and repair sidewalk on Market Space between Seventh and Ninth streets northwest.	Sewering of First and Second streets west, from G street north to I street north.
108	William Schooler	Grade and gravel W street between Fourteenth street and boundary northwest	
109	Michael Shiner	Grade Eleventh street east between Maryland avenue and H street	

110	Michael Shiner	Grade Eleventh street east, from Pennsylvania avenue to Maryland avenue.....
111	Andrew Gleason	Grade Maryland avenue, in Twenty-first district, between H and Ninth streets northeast....
114	M. J. Laughlin	Lay brick foot-pavement on Twentieth and Twenty-first streets between E street northwest and Pennsylvania avenue.
115	William Schooler	Grade and lay brick foot-pavement on Twenty-first street, from M street to Boundary; the carriageway to be reduced to 40 feet.
117	T. H. Williams	Grade and trim Rhode Island avenue, from Fourteenth street to Seventeenth street.....
120	David Keppel	Grade, gravel, set curb, and lay brick foot-pavement on Fourth street east, from H to K streets; foot-pavement to be 10 feet wide.
121	William A. Fletcher	Put down brick foot-pavement and cobble-stone gutter, also set curb on south side of South Carolina avenue between Tenth and Eleventh streets southeast.
125	James Thomas	Grade and pave alley in square 421.....
126	T. H. Williams	Grade N street between Connecticut avenue and Twentieth street.....
127	Thomas Betts	Grade and lay sidewalks on Seventh and Eighth streets east between Maryland avenue and H street northeast.
129	James Thomas	Grade and gravel Washington street between Fourth and Fifth streets.....
130	Thomas Joyce	Grade, lay footways, curbs, and gutters, on K street north between North Capitol street and First street east.
131	Joseph S. Weems	Grade and gravel B street north between First and Eleventh streets east
133	M. J. Laughlin	Set curbs and lay foot-pavement on Seventeenth street west between Pennsylvania avenue and H street.
139	William Fletcher	Finish the grading of P street to the bridge over Rock Creek
140	Stephen Talty	Grade and pave alleys in square 375.....
141	J. G. Stafford	Grade and pave 60-foot alley in square 502; also, 15-foot alley in the same square between M and N and Four-and-a-half and Sixth streets.
143	Henry Wingate	To build a new market-house on east front of square 872
145	Lewis Clephane	Lay Stowe pavement on Market Space, from Seventh street to Ninth street.....
153	Dennis Murphy	Lay foot-pavement on east side of Seventh street east between H street and Deaf and Dumb Institute; carriageway reduced to 40 feet.
154	(See back.)	
156	H. J. McLaughlin	Pave with Belgian pavement H street between Seventh and Fourteenth streets northwest.
160	Albert Gleason	Lay sidewalks and gutters to traps on Seventh street between B street south and the Potomac River.
161	Morris Murphy	Set curbs, lay sidewalks, and park Third street between Indiana avenue and New York avenue.
163	D. Hudnell	Finish the footways on North Capitol street between C and D streets
164	Daniel Connolly	Put down brick foot-pavement on north side of square 820.....
165	(See back.)	
166	Alexander Paterson	Complete the paving of alley in square 347
167	T. Betts	Grade G street between Maryland avenue and Sixth street east.....
168	Patrick Crowley	Lay a brick foot-pavement (on edge) on Thirteenth street west across the alley from Franklin School building.
171	Daniel A. Connolly	Lay and put down a flag footway on north side of B street northwest, across Third street east, to connect with footway near Second street.
172	(See back.)	
173	J. G. Stafford	Lay brick foot-pavement and pave gutter on the south side of R street north, between Vermont avenue and Thirteenth street; also lay flag footways across Thirteenth street on the south side of R street.
174	George Neitzey	Extend the Belgian Seneca and lay the foot-pavement and re-set the curb on D street north, between Eleventh and Twelfth streets.

Foot-pavement and curb—from the beginning to the end of the 60-foot alley, paving the center 40 feet wide with cobble-stones, and foot-pavement 10 feet wide.

List of contracts whereof copies were filed in the office of the secretary of the District at the dates hereinafter stated—Continued.

No.	Name.	Work.	Extended so as to embrace—
175	H. Browning	Lay the foot-pavement, curb, and gutters on north side of E street south, between Eleventh street and Congressional Cemetery.	
176	William Reynolds	Lay footways, curb, and gutters on Redfern street	
179	Andrew Gleason	Set curb on Seventh street west, from Pennsylvania avenue to B street north, along B street to Ninth street west, along east side of Ninth street west to Louisiana avenue.	
181	Alexander Patterson	Grade and pave alley in rear of No. 1730 Vermont avenue; grade and pave alley between Q and R streets and Eleventh and Twelfth streets; grade and pave alley between O and P streets and Eleventh and Twelfth streets.	
183	Albert Gleason	Grade Vermont avenue between Q streets northwest and Boundary	
186	do	Lay brick foot-pavement, set curb, pave gutters, and put down the necessary flag-ways on east side of Twelfth street east, from D street south to Virginia avenue; also to grade and gravel the roadway of said Twelfth street east, from D street south to G street south.	
188	William Schooler	Grade W street from Fourteenth street to Fifteenth street	
189	William Reynolds	Grade and pave alley in square No. 366	
193	Samuel Strong	50,000 lineal feet of New York blue-stone curbing	
154	Timothy O'Brien	Lay a foot-pavement on west side of Fourteenth street, between B and C streets south	Foot-pavement on Fourteenth street, between C street north and Maryland avenue.
165	Frank Finley	Lay a flag footway and gutter across Virginia and Maryland avenues, on east side of Ninth street west; also flag footways and gutters across Eighth street west on north side of Maryland avenue.	
172	George Neitzey	Lay and put a brick foot-pavement on Twelfth street, from D street northwest to B street south.	
190	J. V. W. Vandenburg	A sewer of 12-inch tile on north side of New York avenue, from Ninth street to Fifteenth street northwest.	
191	Benedict Hutchins	A sewer of 12-inch tile on south side of New York avenue, from Ninth street to Fifteenth street northwest.	
192	do	A sewer of 12 and 15 inch tile on Eighth street north, from L street to Mount Vernon Place.	
28	George Neitzey	Put down Belgian Seneca pavement on Twelfth street west, from Pennsylvania avenue to D street, and Belgian blue-rock pavement, similar to New York avenue, from D street to C street.	Paving of carriageways on Twelfth street northwest, from C street to Washington Canal.
FILED DECEMBER 15, 1871.			
15	Thomas Lucas, (\$2,400)	Brick foot-pavement on K street north from Ninth to Tenth streets west; also set curbs between said points.	
16	I. Stewart & Geo. Miller, (\$3,500.)	Put down brick foot-pavement on E street north, from Thirteenth to Twelfth streets; also Ninth street, from Pennsylvania avenue to D street; also setting curb-stones on E street north, and set curbs on Ninth street between said points.	Foot-pavements and curbs E street northwest, from Twelfth to Tenth streets.
29	Lewis Clephane	Put down Stowe wooden pavement on Eleventh street west, between Pennsylvania avenue and E street northwest.	Eleventh street northwest, between E street and F street.
42	Lewis S. Filbert	Lay and put down the Filbert vulcanite pavement on New York avenue, between Fourteenth and Fifteenth streets northwest.	New York avenue, between Ninth and Fourteenth streets: roadway to be on each side 29 feet; the remainder to be parked.

70	Lewis Clephane.....	Sewer and water services on Eighth street west, from Pennsylvania avenue to D street north
83	C. H. Holden, (\$2,300).....	Sewer on west side of Second street northeast, from B to C streets northeast; also on both sides of C street northeast, from Second to Tiber Creek. 15-inch pipe.
86	Childs & Neville, (\$2,600) ..	Sewer on Eighth street east from G to I streets south. To be 12-inch.....
87	Childs & Neville, (\$6,400) ..	Sewer on I street southeast, from Eighth to Sixth streets. To be 30 inches.....
99	Thomas Betts, (\$1,900).....	Grade Ninth and Tenth streets between Maryland avenue and H streets northeast.....
123	H. Browning, (\$5,000).....	Lay brick foot-pavement, set curb, pave gutters, and put down necessary flag on west side of Twelfth street east from E street south to Virginia avenue, and grade and gravel road-way from G street south to Virginia avenue.
135	Wm. A. Fletcher, (\$1,000) ..	Grade and gravel B street south between Eleventh and Twelfth streets east.....
146	Samuel Cook, (\$1,000).....	Pave with cobbles alley in square 724.....
159	Lewis Clephane.....	Lay Stowe pavement on Eighth street west, from Market Space to D street north.....
170	Stewart & Miller, (\$5,000) ..	Re-lay brick foot-pavement, re-set curb-stones on Thirteenth street northwest, from E street to Pennsylvania avenue.
180	William Buckley, (\$3,000) ..	Pave with cobbles alley in square 503, and also grade the first 20-foot alley north of N street southwest, in square 502.
116	Cornelius Clark, (\$2,500)...	Grade N street between Twenty-first and Twenty-second streets.....
FILED DECEMBER 19, 1871.		
95	R. C. Hewett.....	Grade and gravel Madison street, between M and N and Sixth and Seventh streets.....
134	C. C. Scriber.....	Grade C street south and Virginia avenue and Maryland avenue.....
152	Alberto Campbell & Eslin.	Lay sidewalk on Tenth street east, between East Capito' street and Maryland avenue.....
157	do	Lay brick foot-pavement and set curbs on west side of Eighth street east, between B street south and Maryland avenue.
178	Hewett & Lewis.....	Pave with cobbles the alleys on south and west side of Geo. Taylor's property in square 214.
FILED DECEMBER 20, 1871.		
11	Emmart, Dunbar & Co....	Put down brick foot-pavement on Fifteenth street west, and set curbs from Pennsylvania avenue to H street northwest, and on Madison Place.
92	John Barry & Co	Lay 18-inch tile sewer on Eleventh street northwest, between F and H streets northwest ..
102	William Buckley	Grade Union street, between M and O streets southwest
169	Hewett & Lewis.....	Put down brick foot-pavements on Fourteenth street, from H to M northwest.....
193	Patrick Brennan.....	Lay 12-inch sewer in square No. 77. Begin at alley in said square, and running under school-house on southeast corner of Twenty-second and I streets, to connect with sewer in Twenty-second street, distance of 190 feet.
194	Lewis Clephane.....	Grade and pave with the Stowe-foundation pavement Nineteenth street, between Pennsyl-vania avenue and K street northwest, (roadway reduced to 40 feet;) also, set curbs and relay foot-pavements between said points.
197	John B. Davis.....	Lay water and sewer services on H street, between Eighteenth and Twenty-sixth streets ..
198	David Keppel.....	Lay gutters on Fourth street east, from H to K streets
199	Stephen Talty	Gravel L street from Second street east to Seventh street east; also, lay foot-pavements; set curb and gutters on west side of Fifth street east, from K to L streets; and on north side of L street, from Fifth to Sixth streets.
31	Lewis S. Filbert	Lay the Miller pavement on F street north, from Seventeenth to Eighteenth streets north-west, in lieu of Roberts.
32	Lewis S. Filbert	Lay the Miller pavement on Eighteenth street west, from Pennsylvania avenue to G street northwest, in lieu of Roberts.
		Foot-pavements and curbs, from H to K streets northwest.
		Extended to pave Eighteenth street, from G to E streets northwest.

List of contracts whereof copies were filed in the office of the secretary of the District at the dates hereinafter stated—Continued.

FILED JANUARY 4, 1872.

No.	Name.	Work.	Extended so as to embrace—
72	Rothwell & Holden	Construct water and sewer services on Pennsylvania avenue, from First street east to Eighth street east.	
78	William Rothwell	Lay sewer services on East Capitol street, between Second and Sixth streets east.....	
119	G. W. G. Eslin	Grading Sixteenth-street road, from Boundary street to Columbia road.....	
196	George Nietzey	Lay the blue-stone pavement at intersection of Eighteenth and I streets northwest.....	
FILED JANUARY 6, 1872.			
36	John O. Evans	Lay Scharf pavement on Seventeenth street west, from Pennsylvania avenue to G street northwest.	Seventeenth street west, from G street northwest to New York avenue; also, from Pennsylvania avenue to H street northwest.
39	C. E. Evans	Lay Evans pavement on Fifteenth street west, from Pennsylvania avenue to H street northwest.	
41	John O. Evans	Lay Scharf pavement on Pennsylvania avenue, between Fifteenth street northwest and Madison Place.	Paving of carriageway of Pennsylvania avenue, from Madison Place to Eighteenth street northwest.
65	George Boswell.....	A sewer on D street south between Second and First streets; sewer of four feet diameter..	
76	Alberto Campbell.....	A sewer on East Capitol street, from Second to Fourth streets east; sewer of twelve by fifteen inches.	
138	C. C. Nelson.....	Pave and gravel alley in square No. 274	
195	J. V. W. Vanderburgh.....	Fifteen-inch tile sewer, N street northwest, from the main sewer on Thirteenth street to center of the square between said Thirteenth street and Vermont avenue.	East Capitol street, Fourth street east to Lincoln square.
FILED FEBRUARY 1, 1872.			
200	Emmart, Dunbar & Co., (September 14.)	Lay a sewer connection and water services on Fourteenth street west, between H and N streets.	
201	M. F. Reess, (December 20.)	Lay a water-service pipe, in connection with water-main, on New York avenue, between Seventh and North Capitol streets.	
FILED FEBRUARY 10, 1872.			
91	W. W. McLannahan.....	For sewerage Slash Run, &c.....	
142	B. F. Gilbert	For grading, &c., Myrtle street, &c.....	

*Certificate of incorporation of the Portland Stone Company, recorded February 24, 1871,
12.20 p. m.*

This is to certify that we, Hallet Kilbourn, Richard P. Mohun, H. S. Olcott, Moses Kelly, Samuel Emery, Lewis Clephane, William S. Huntington, Nicholas Acker, Alexander R. Shepherd, J. M. Brown, and J. O. Evans, have organized and formed a company to be known by the name of the "Portland Stone Company," of the District of Columbia, the object of the said company being the manufacture and use of artificial stone made of Portland cement and other ingredients, and its adaptation to all purposes for which it can be used.

That the capital stock of said company shall consist of the sum of twenty-five thousand dollars, divided into two hundred and fifty shares, of one hundred dollars each. The term of the existence of said company shall be ten years, commencing from the date hereof. The trustees to manage the concerns thereof for the first year shall be five in number, namely, Lewis Clephane, John O. Evans, J. M. Brown, Nicholas Acker, and Samuel Emery. The place for carrying on the business of the said company shall be the city of Washington, in the District of Columbia.

In testimony whereof we have hereunto set our hands and affixed our seals, on this — day of —, A. D. 1870.

LEWIS CLEPHANE.	[SEAL.]	H. S. OLCOTT.	[SEAL.]
WM. S. HUNTINGTON.	[SEAL.]	MOSES KELLY.	[SEAL.]
NICHOLAS ACKER.	[SEAL.]	J. M. BROWN.	[SEAL.]
ALEX. R. SHEPHERD.	[SEAL.]	JOHN O. EVANS.	[SEAL.]
HALLET KILBOURN.	[SEAL.]	SAM. EMERY.	[SEAL.]
RICHARD B. MOHUN.	[SEAL.]		

Signed and sealed in presence of
N. CALLAN.

[Stamp—5 c.]

COUNTY OF WASHINGTON, *District of Columbia, to wit:*

I, Nicholas Callan, a notary public in and for the District and county aforesaid, do hereby certify that Hallet Kilbourn, Richard B. Mohun, H. S. Olcott, Moses Kelly, and Samuel Emery, Lewis Clephane, W. S. Huntington, Nicholas Acker, Alex. R. Shepherd, J. M. Brown, and John O. Evans, parties to a certificate of incorporation, bearing date of the 14th day of December, A. D. 1870, and hereto annexed, personally appeared before me in said county; and the said Hallet Kilbourn, R. B. Mohun, H. S. Olcott, Moses Kelly, and Samuel Emery, J. M. Brown, Lewis Clephane, William S. Huntington, Nicholas Acker, Alex. R. Shepherd, and John O. Evans, being personally well known to me to be the persons who executed the said certificate of incorporation, and acknowledged the same to be their and each of their act and deed, for the purposes therein set forth.

Given under my hand and notarial seal this 14th day of December, A. D. 1870.

[SEAL.]

N. CALLAN,
Notary Public.

This is to certify that the within is a true and verified copy of an act of incorporation, as recorded in liber "Deeds of Incorporations," folio 124, of this office.

[SEAL.]

S. WOLF, *Recorder.*

WASHINGTON, D. C., March 1, 1872.

*Incorporation certificate of the Artificial Stone Company of the District of Columbia, recorded
December 26, 1871, at 1.30 p. m.*

This is to certify that we, Almarin C. Richards, Lewis Clephane, Charles E. Creecy, Hallet Kilbourn, Nicholas Acker, George R. Herrick, John O. Evans, William S. Huntington, L. R. Byrne, J. H. Teemyer, Samuel Emery, Benjamin N. Meeds, George W. Balloch, William J. Murtagh, Edward Renard, A. Webster, Moses Kelly, Albert D. V. Burr, William Fendall, and Albert Elsberg, have organized and formed a company to be known by the name of the "Artificial Stone Company," of the District of Columbia, the object of said company being the use of, the designing, modeling, and manufacture of all classes of plain, ornamental, plastic, or artificial stone flooring, side and other walks, for which Portland cement or other ingredients are adapted; that the term of the existence of said company shall be ten years, commencing from the date hereof; that the capital stock of the said company shall consist of twenty thousand dollars, (\$20,000,) divided into four hundred (400) shares, of fifty dollars (\$50) each; that the trustees to manage the concerns thereof for the first year shall be seven (7) in number, namely, Almarin C. Richards, Lewis Clephane, Charles E. Creecy, Hallet Kilbourn, Nicholas Acker, George R. Herrick,

and John O. Evans ; the place of carrying on the business shall be in the city of Washington, in the District of Columbia.

In testimony whereof we have hereunto set our hands and affixed our seals, on the 15th day of December, A. D. 1871.

A. C. RICHARDS.	[SEAL.]	SAML. EMERY.	[SEAL.]
LEWIS CLEPHANE.	[SEAL.]	BENJ. N. MEEDS.	[SEAL.]
A. CREECY.	[SEAL.]	GEO. W. BALLOCH.	[SEAL.]
GEO. R. HERRICK.	[SEAL.]	WM. J. MURTAGH.	[SEAL.]
HALLET KILBOURN.	[SEAL.]	EDWARD KENAUD.	[SEAL.]
NICHOLAS ACKER.	[SEAL.]	A. WEBSTER.	[SEAL.]
WM. S. HUNTINGTON.	[SEAL.]	MOSES KELLY.	[SEAL.]
JOHN O. EVANS.	[SEAL.]	WM. FENDALL.	[SEAL.]
L. R. BYRNE.	[SEAL.]	A. W. BURR.	[SEAL.]
J. H. TEEMYER.	[SEAL.]	ALBERT ELSBERG.	[SEAL.]

DISTRICT OF COLUMBIA, *County of Washington, to wit :*

I, John B. Motley, a notary public in and for said county and District, do hereby certify that A. C. Richards, Lewis Clephane, C. E. Creecy, George R. Herrick, Hallet Kilbourn, Nicholas Acker, William S. Huntington, John O. Evans, L. R. Byrne, J. H. Teemyer, Samuel Emery, Benjamin N. Meeds, George W. Balloch, William J. Murtagh, Edward Renaud, A. Webster, Moses Kelly, Albert D. V. Burr, and William Fendall, parties to a certain certificate of incorporation, bearing date on the 15th day of December, A. D. 1871, and hereto annexed, personally appeared before me, in my county aforesaid, and then and there acknowledged the same to be their and each of their act and deed for the objects therein set forth.

Given under my hand and notarial seal this 15th day of December, 1871.

[SEAL.]

JOHN B. MOTLEY,

Notary Public.

STATE OF NEW YORK, *City and County of New York, ss :*

I, Fred A. Jones, a notary public in and for said county and State, do hereby certify that Albert Elsberg, party to the same above-mentioned certificate of incorporation, personally appeared before me, and then and there acknowledged the same to be his own act and deed, for the objects therein set forth.

Given under my hand and seal this 22d day of December, 1871.

[SEAL.]

FRED. A. JONES,

Notary Public.

This is to certify that the within is a true and verified copy of a deed of incorporation, as recorded in liber "Deeds of Incorporations," folio 169, *et seq.*, of this office.

[SEAL.]

S. WOLF, *Recorder.*

WASHINGTON, D. C., *March 1, 1872.*

FOR THE DEFENSE.

WASHINGTON, D. C., *March 30, 1872.*

C. E. EVANS duly sworn and examined.

By Mr. CHANDLER :

Question. Please state your name, residence, and business.—Answer. Charles E. Evans, Brooklyn, New York ; am a contractor and general agent.

Q. Is your business in connection with pavements ?—A. I am a contractor for laying concrete pavements.

Q. How long have you been in the business ?—A. I have been interested in one form or another since 1866.

Q. What is the name of the pavement you lay ?—A. The Evans concrete pavement.

Q. Is it a patented pavement ?—A. No, sir ; that is the name of the company who own several patents.

Q. Where have you laid pavements ?—A. In Brooklyn and in this city, on Fifteenth-and-a-half street, I believe it is.

Q. What work have you now under contract ?—A. Upon Seventeenth street ; and finishing Sixteenth street, from Vermont avenue, I think.

Q. State whether you have made the subject of concrete pavement a study, whether you have investigated all known processes for preparing the oil and tar, the binding material, and whether you profess to have an understanding of the subject.—A. I have necessarily made it a study from the extent that I have been interested in it. I have learned, and con-

tinued to learn every day, something about the relations that the different materials bear to the compositions of a good pavement.

Q. State what you believe necessary to lay a good concrete pavement; what would you use?

—A. We take from tar only two or three of the more than twenty different compounds in it; therefore, we do not use tar, properly speaking, in our pavement; but we get the heavy oils, what are called the basic oils. We take from coal-tar the oil known as the green oil or the heavy basic oils.

Q. How do you get it from the coal-tar?—A. By distillation.

Q. What is the process?—A. It is more properly a chemical process. The ammoniacal water is taken out chemically. That is an article of commerce. Then half a dozen oils, some of which are known as aniline oils, and are used for coloring; and there is a large residue from the coal-tar that approximates very nearly to sulphur, mixed with acids and coal-tar, forming sulphuric acid.

Q. You go through with this process, to get from the coal-tar the oil that you need?—A. Yes, sir; we also take from five to seven acids from the coal-tar, before we use any of the oils remaining.

Q. You call the final oil green oil?—A. That is the name by which it is known in commerce.

Q. What is the next substance that you use in combining the material for pavement?—A. I would state further in regard to the green oils, that there are a number of these, when we get to the solid. The most important is anthracene; and the other lighter oils are naphthaline and benzole.

Q. What do you wish to exclude?—A. All the light oils, the lubricating oils, in which naphthaline and benzole enter.

Q. What is the object of excluding these?—A. We do not exclude them; the sun draws them out.

Q. So that coal-tar, not refined in this way, will burn up and become soft?—A. Yes, sir; it is not reliable for pavement.

Q. After you have got these extracts from the coal-tar, what else do you use for the binding substance?—A. We get from the various kinds of asphalts paraffine, getting that by distillation.

Q. Where do you procure the asphalts?—A. Sometimes we use the Trinidad and sometimes the Cuba asphalts, and any kind that we can get, that is rich in paraffine, which we wish to obtain.

Q. Do you extract the paraffine by distillation?—A. Yes, sir.

Q. Having these two substances, what do you do with them?—A. I would rather not tell the secrets of the trade.

Q. You need not disclose the proportions nor the precise process.—A. We mix the paraffine and the green oil, at the boiling-point, which is from six to seven hundred degrees Fahrenheit. My process is to introduce hot sulphuric acid to these oils and then evaporate until none of the dangerous element of naphthaline remains; that is done under strict rules regulating the proportions that we use; it is a very delicate process, requiring great care and requiring the superintendence of a practical chemist.

Q. Suppose any mistake is made in the proportion of these?—A. It destroys it entirely. You cannot always buy sulphuric acid of the same weight and strength; and then the green oils and paraffine are scarcely ever of the same density, because the coal-tar is very likely to be unlike. One kind of coal produces a richer, purer tar than another. In preparing these oils in this way, we mix other ingredients with them.

Q. When these are mixed at the boiling-point, do you let the matter become cool before using it?—A. Yes, sir. It is not always solid; but to some extent liquid.

Q. What do you call it then?—A. We call it Evans's compound.

Q. You prepare this compound for the purpose of making the pavement?—A. Yes, sir.

Q. Do you mix anything with that compound?—A. Yes, sir; we mix clay; we have to be very particular as to the kinds of clay, because soda and acids are found in it, and both must be excluded; and sulphur or brimstone.

Q. Do you use the ordinary clay, such as is found in Washington?—A. No, sir.

Q. What do you use?—A. We get the clay from New Jersey. But we cannot always use the same clay from the same bank.

Q. What is the object of mixing the clay?—A. The object is to complete the compound that we wish to use, to protect from evaporation by the sun.

Q. Do you mix sulphur and clay when the compound is hot?—A. We usually have it mixed before we bring it here, because my machinery for this work is not complete here.

Q. When you apply the compound you heat it again?—A. Yes, sir; we heat it somewhere from 240° to 275° Fahrenheit, before we apply it to the broken stone.

Q. Having described the compound, you may state the character of the pavement which you have laid in this city, and the way in which you lay it, giving the thickness, and the various courses; what you do first, and how you proceed?—A. When a street is given to us, we first grade it, as required by the regulations of the board of public works. For the first two feet they do not pay anything; but if we grade below that they pay us. I think the depth will average nearly three feet. We have to take out the clay when we come across it, and put something into the pockets, as we call them, where there is a clay-hole; and then

we roll the ground. I should now roll every foot; last fall I did not do it. But I would roll the ground with a heavy roller: the roller that I use is an iron steam-roller, weighing 9½ tons. The object of that is to get a firm foundation, and so prevent any settling. There are soft spots and pockets of clay; and as soon as the rain gets into them they become soft.

Q. Do you attribute many of the defects in the pavement to this?—A. I do; nearly all of them. After rolling the ground, and finding where the soft spots are and filling them, we put on a layer of broken stone. I do not now put less than 5 inches in depth, because of my want of confidence in the foundation. This stone is about 2½ inches in size, and will pass through a 3-inch ring, and many pieces are much smaller. Then we roll that stone, and make it solid as we can; then, having made this a thorough macadamized road and solid—if I was to pave an old cobble road I would not move them at all, because they are so firm—the next process is to put on a layer of our compound, mixed by machinery, and consisting of finely-broken stone, from half an inch to an inch in size, to a depth of about 2 to 2½ inches; I presume it will run to 3 inches when solidly rolled. The stone thus mixed with the compound is heated over what we call a rotary heater, and the compound is heated to 250° to 275°, when it is mixed with the stones. Great care is required to keep the stone of the right temperature, for if it is too hot it will burn the compound, and when we fail to secure the right temperature there will be disintegration; if too hot, instead of sinking with the stone when applied, it will roll right off. Then we roll this second layer as firmly as we can, using first a small roller by hand, and then the heavy roller. The next layer is of precisely the same material, only it is a finer gravel. We had to use here gravel, because we had not our stone-crackers; I brought the bulk of this gravel from Peekskill, New York. These are two layers averaging 3 inches in thickness, but they are put on separately. The surface layer of gravel is 3 inches when rolled; when we spread it, it will be from 4 to 5 inches, and on rolling it will be about 3. The only difference between the top layer and the one immediately below is in the size of the stone.

Q. This surface layer is mixed with the compound hot and applied?—A. Yes, sir.

Q. How about finishing off the surface?—A. We usually rub a little cement over it, which is rather for making it look lighter-colored than for any strength it imparts. This should be rolled while hot, being applied at a temperature of at least 200°.

Q. What should be the full depth above the prepared surface of the ground?—A. The pavement I shall lay here will not be less than 11, and may be 14 inches.

Q. State whether the pavement you have described is the pavement you have laid on Fifteenth and Fifteenth-and-a-half streets.—A. Yes, sir.

By Mr. ELDRIDGE:

Q. Are you a relative of the Mr. John Evans who laid the pavement in front of the President's House?—A. No, sir.

By Mr. CHANDLER:

Q. It is not a family affair at all?—A. I never heard of him before I came here.

Q. State how the pavement on Fifteenth and Fifteenth-and-a-half streets differs from the one you have described.—A. It varies in one or two particulars. I had not learned so much about the importance of preparing the road-bed, and I did not always roll before laying on the stone. Therein I made a mistake in which it cost me money. I must do the work over again.

Q. Your contract requires you to keep the pavement in repair three years?—A. Yes, sir; and I should do it if the contract did not require it, because it would be economy on my part to make it good.

Q. You do not feel that you can afford to have a pavement in this city with holes in it?—A. No, sir; it was a great mistake that we did not hunt more for the soft spots. The only hole in the pavement, with one exception, arises, as I believe, from that oversight.

Q. State how you propose to repair them.—A. We can do it by digging out around the clay-hole and filling it up with material that will not sink. We did not always use our best tar for the lower layer. It was not poor tar, but was not boiled long enough, and this was used for the lower layer, thinking that it would be sufficiently protected from the rays of the sun.

Q. Why did you not use the compound?—A. Because our machinery was not then erected; but we took our risk of that.

Q. How extensive and how necessary to success is your apparatus?—A. It comprises hand-rollers, horse-rollers, and steam-rollers; it requires retorts for heating our material, which cost about \$1,800 each; stone-breakers, rotary heaters, &c.

Q. What is the expense of "the plant," as it would be called?—A. I think our machinery will not cost anything under \$40,000.

Q. Did you use your best compound for the upper layers?—A. Yes, sir; but it was so late that the pavement was chilled too soon; the weather was against us.

Q. State your opinion of the future of the pavement you have laid when repaired, as you are under obligations to do it. Will it be a substantial and durable pavement?—A. I think it will; and as evidence of it, I have made a proposition to lay a concrete pavement, and to guarantee it for sixteen years. But I should want to fill up the streets much deeper.

By Mr. STARKWEATHER, (the chairman:)

Q. This is a peculiar formation here, is it?—A. Yes, sir; it is a drift formation, I am told.

By Mr. CHANDLER:

Q. For what price did you contract?—A. Three dollars and twenty cents per yard.

Q. If you have no objection, be kind enough to state what would be your profit at this price for laying the pavement under favorable circumstances?—A. It would be difficult to say. We calculated to make not less than 50 cents a yard. But what we contracted to lay for \$2 90 has cost from \$3 45 to \$3 95, and we have asked the board to help us out. I would not knowingly take a contract that would not pay 50 cents a yard.

Q. Is your pavement a patented pavement?—A. Yes, sir; that is to say, the patented part of it is the use of the sulphuric acid. Anybody can use the other materials, if they know how to combine them.

Q. State whether all the concrete pavements in this country are patented.—A. I think so.

Q. Are there not some that are not?—A. Some lay a pavement with coal-tar mixed with ashes and cinders. There is no patent on that.

Q. Are you familiar with the prices paid for concrete pavements of various kinds? What are the Brooklyn prices?—A. From \$3 to \$3 50 per yard.

Q. What is the lowest rate at which you have ever known a suitable concrete pavement laid anywhere?—A. I know so little about what other people do, that I cannot state positively.

Q. Have you ever laid any less than \$3?—A. Yes, sir; when I did not know any better than to use tar. And I have laid other pavements as a sample. I do not know any suitable pavement laid for less than \$3.

Q. State what the objections are, if any, to the use of coal-tar and pine-tar in a crude state, for a pavement?—A. I would like to state that coal-tar is remarkable in many respects. One peculiarity that I have found is, that the acid rising from the ground, being drawn up by the heat of the sun, may destroy it, or so change the chemical combinations of the coal-tar as to make it even better than when laid. To illustrate that I have experimented with coal-tar probably as much as almost any concrete pavement man that I know of. In a bed of potter's clay, five years ago, I spread half a barrel of coal-tar, cold, right on the surface. To this day it is a perfect bond; the sun does not seem to have affected it at all. The chemists who have looked at it give me, as a reason, that there is a peculiar acid arising from this clay here that changes the whole chemical nature of the tar. You asked me why I would not use coal-tar for a pavement? I have here Mr. Smith's Report of the Paris Exposition for 1869, and I find stated on pages 92 and 93 of the Appendix, vol. 2, 1867 and 1868, House document, some of the elements of coal-tar.

Q. What are your objections to the use of coal-tar?—A. Here are the elements of coal-tar, as found by J. Lawrence Smith. He gives seven different acids, and ten different oils; and of the basic, or alkaline bodies there are given some fifteen. Many of the lighter oils the sun would draw up, of course, unless its action is neutralized. The acids, it is estimated, will disappear after one or two weeks of sun on the pavement; the lighter oils, the base of all of which is benzole, or naphthali, would disappear very rapidly. Naphthali enters into all of them very largely. To show how rapidly naphthali will disappear, one Sunday, not more than two weeks ago, I placed a piece of naphthali, weighing 8 ounces and a fraction, on a tin roof, and a piece of camphor, weighing a little more than the naphthali. The naphthali disappeared first, in two hours and forty minutes; and the camphor went in about three hours and ten minutes. Therefore, I do not want to put coal-tar on a street pavement, that the sun will draw up in a week or two.

Q. Then your objection to using coal-tar is the presence of these lighter oils?—A. Yes, sir.

Q. The object of distillation and boiling is to expel them?—A. Yes, sir.

Q. State whether or not the views that you present prevail universally with parties engaged in laying concrete pavements?—A. That is my opinion.

Q. State whether you have examined a statement by Captain Grant, of the cost of concrete pavement, describing the way in which he gives it?—A. I saw this yesterday.

[The statement referred to was taken from the testimony of Captain Grant, as to the cost of laying concrete pavement, and is condensed as follows:]

Stones, 4 inches thick.....	33 cents per square yard.
Sand, \$2 50 per load; 1 load would cover 12 square yards, 3 inches thick	21 cents per square yard.
2 or 3 gallons of coal-tar, 3 or 4 cents a gallon.....	10 cents per square yard.
A little cement 6 or.....	7 cents per square yard.
Labor will not exceed.....	20 cents per square yard.
Making whole cost	91 cents per square yard.

Q. State your opinion as to the character of a pavement constructed in that way?—A. I do not think it would last unless there was something in the ground on which it was laid that produced an acid to protect it from a change of its chemical elements.

Q. What would you expect of a street pavement laid in that way?—A. I should expect that, if jarred by travel, it would last probably two months. If not jarred by travel it is difficult to say how long it might last, because of the unreliable nature of the coal-tar. In garden walks it might last for some time. But where a pavement is jarred, each vibration tends to increase evaporation. I have laid a similar pavement four or five years ago.

Q. With what result?—A. Bad; as I had to lay it over again.

Q. State whether a pavement, even of that character, could be laid for those prices?—A. This statement says "four inches thick of stone;" broken, I suppose. I will state that my broken stone cost me just about double that on the street. I do not dispute the gentleman's statement, I only give my own experience. Mine is about $4\frac{1}{2}$ to 5 inches, and it is costing me 60 to 65 cents. I would like to make a contract at these prices with a reliable party.

Q. Any other criticism upon that statement, assuming it to be desirable, to lay such a pavement?—A. I think the statement in regard to "\$2 50 for a load of sand" is indefinite. I don't know how large it is. The price must depend upon the size. The Peekskill sand costs about \$2 40 to \$4 a cubic yard here. I have had a proposition to bring it here for \$3 25.

Q. Have you seen any pavement laid by Mr. Thornton Smith?—A. I do not think I have. I have seen some pavements; I do not know who laid them.

Q. Where?—A. I saw some side-walks over at the Observatory grounds and a walk in the Agricultural Department grounds.

Q. What condition were they in?—A. I think they will not last longer than this summer. They have commenced honey-combing. Some of the foot-walks are good and some are poor.

Q. To what do you attribute this honey-combing?—A. I presume it is due to the coal-tar.

Q. Look at this statement of Mr. Thornton Smith, and state whether such pavements as that could be laid at 75 cents a yard; and what would they be worth, if laid, and what their durability?

(The following is the statement handed to witness:)

Gravel, tar, and resin, 6 inches deep:
2,000 bushels gravel, 22 bushels to cubic yard, 80 or 90 cubic yards; cost, \$1 50 per cubic yard.

20 barrels of tar, at \$1 50 per barrel.

5 barrels of rosin, at \$2 50 or \$3 per barrel.

4 men, at \$1 50 per day, each, and 1 foreman, at \$3, will mix the 2,000 bushels in 1 day.

Leveling, laying, and rolling, 20 cents per square yard.

Net cost will be 75 cents per yard.

Broken stone can be laid per square yard, 6 inches deep, for 25 to 30 cents per square yard; a cubic yard will make 6 of them.

A. You are asking me to pass an opinion upon another man's pavement; it is a very delicate matter.

Q. Could a pavement of gravel, tar, and resin be laid at 75 cents per yard?—A. The estimate is that a cubic yard of broken stone will lay six surface yards. That is not my experience. I oftener get but 4 and very rarely reach 5 surface yards of broken stone from a cubic yard. That might be the figures on paper but, practically, I have not found it so.

Q. What would be the cost to you of broken stone in Washington?—A. I am of the opinion that if I could choose the stone as I now do, that I would readily pay a man 50 cents for it, rolling it as I now do; and I would enter into a contract with any reliable party to furnish it for that. This estimate has tar at a dollar and a half a barrel. I have never bought any nor known of any being sold at that price. I am not disputing the prices. I hazard another remark here, and do it with some diffidence, for I know that many believe to the contrary; that 22 bushels of sand will not measure a cubic yard. I will modify that by saying I have never found them to measure a cubic yard, measured as sand is measured.

Q. Suppose a pavement 6 inches deep of gravel, and coal-tar, and resin mixed together, either cold or slightly heated, and laid down upon the streets of this city; how long would it wear in your opinion?—A. That is very difficult to say.

Q. Say on Pennsylvania avenue?—A. I would not like to lay it, unless the price was an object, and guarantee it for six months; for the constituent elements of coal-tar are changing most of the time. I have seen no such pavement that has stood two years; I doubt if I have seen it that has stood six months.

Q. Can you state the material laid on Fifth avenue, New York, that wore out?—A. I can state what Dr. Ramsey told me it was made of.

Q. You saw the pavement?—A. Yes, sir.

Q. You may state what you understood it to be?—A. Pine-tar, resin, ashes, sand, and gravel; with lime, gas-house lime, heavily impregnated with sulphur. A little lime, he told me, a little powdered brimstone to make it hard immediately.

Q. To what depth?—A. I think 6 inches.

Q. How long did it last?—A. About eight months, if I remember correctly. That is, it commenced to disintegrate inside of that time.

Q. Large holes wore in it?—A. Yes, sir:

Q. Would such a pavement be likely to last as long as a simple mixture of gravel, pine-tar, and coal-tar?—A. That would depend upon the amount and proportion of the ingredients. I think there was no coal-tar used on the Fifth avenue pavement, Fisk and Company's pavement. I, myself, saw lace curtains where the dust reached; in fact, ladies told me that it penetrated between the sash.

Q. Does that occur in your pavement?—A. No, sir; I think it will wear like stone; there is no sand in it.

Q. Suppose you mix 20 barrels of gravel and sand with 5 barrels of coal-tar, and 5 of resin, would such a pavement last as long as that on Fifth avenue did?—A. I can only give an opinion. Two-thirds of the coal-tar would commence to evaporate rapidly by the heat of the sun, and the resin would evaporate much more rapidly. I think the pavement would be better without the resin.

Q. Suppose such a pavement six inches thick, how long would it last if laid on Pennsylvania avenue?—A. I have no reason to think it would last very much longer than the one on Fifth avenue.

Mr. CHIPMAN. I notice in your pavement, on Fifteenth street, there are occasionally holes, where the pavement is wearing out, while around these, the pavement is apparently good; explain that?—A. If you had noticed more closely, you would have seen that the defect commenced in cracks. I think it was caused by the clay-holes below, which we had not properly rolled, and the foundation gave away, and it consequently cracked and disintegration rapidly followed.

Q. It seems to me that there are holes both in your pavement and that of John O. Evans & Co., where the foundation was perfectly good, where it seemed to have commenced wearing and increased in a short time to the space of 2 or 3 feet in diameter.—A. Some of that pavement was laid at night and the material had got chilled; but I think all the holes referred to, except the one around the man-hole, was caused by the sinking of the foundation. I put a stick through the crack and found it would sink into the clay. This material should never be heated by fire, because, in that case, some may be over-heated. One defective place on Fifteenth street, I think, was caused by that.

Q. It has been stated in evidence that these pavements are utterly worthless, and that opinion is based chiefly on the breaking that has already occurred on this place. State whether these holes that have broken into the pavement do or do not demonstrate the utter worthlessness of the pavement as a pavement.—A. I think, on the other hand, that the pavement can be made a success, if you will look at the surrounding pavement and not at the holes. My own opinion is that if we can lay one yard that will stand, we can lay the whole of it in such a way. I believe that by heating our material uniformly, every square foot may be laid exactly alike. If we can ever lay one yard that is hard, and solid, and sound, the same process that will produce that will produce a whole street of the same character.

Q. Tell me whether, under a contract, which provides that you shall keep this pavement in repair for three years, the people have a sufficient guarantee to secure a good pavement during that time; in other words, if it remain good for three years, will that demonstrate that the pavement is a good one?—A. I have no doubt of that; I think the first year is the trying year. If this disintegrating process is to commence at all, it will commence within the first year or two.

Q. Then, in the contract which provides that these pavements shall be kept up three years, you think the people have a sufficient guarantee?—A. I do.

Q. State whether the prices paid by the board for the pavement which they have contracted to be made of this concrete, your own and that which John O. Evans & Co. are working, are extravagant or otherwise?—A. The general talk of all contracting men whom I have met, and my own experience is the same, is that the work is being done at less cost in this city than in any other city. I have been paid in Brooklyn from \$3 to \$3 50 per yard; generally \$3 50. And then that pavement is put upon old cobbles; I did not have to make a foundation as I am obliged to do here; that would reduce the cost fully 50 cents a yard. I would rather do the work on a cobbled street for \$2 45 than for \$2 95 on one not cobbled.

Q. You say you prefer to lay this pavement on cobble without removing it?—A. Yes, sir. My impression was that the cause of the failing of the Fifth avenue pavement was that it was laid on the Belgian blocks.

Q. Would you use the cobble stone as a foundation the same as the foundation which you place upon the earth?—A. Yes, sir; I should not have used the first layer of broken stone, and I would prefer to risk it upon the old cobble, simply mending the places where it was broken away.

Q. Then the object of your broken stone is to make a foundation, and not so much to combine that with the compound?—A. Yes, sir; the condition of the mechanical properties of the substance on which we lay the pavement is important to be considered. This condition is obviated if you have a good foundation. The sun is always drawing up something from the earth which is very apt to affect the pavement which is laid above, and I am actually going to the expense of having the clay or the dirt on the street analyzed to find what it is composed of.

By Mr. STARKWEATHER, (the chairman:)

Q. You stated that with the experience you have had you have the ability to make this pavement a perfect one. Have you so made it in any place where it has been thoroughly tested?—A. Yes, sir; in Brooklyn.

Q. How long has it been there?—A. I commenced to lay this pavement of which I am speaking in December, 1869. That was our winter month, about the coldest month that we had that winter. In all my work I wanted to learn what I could from practical experience, and I therefore laid at that time only one layer. The next I laid in the following spring, and the foundation is now four years old, and it is the most solid part of the pavement. The sun bakes the top and makes it hard, while the bottom is usually soft; but in these pavements the bottom layer is the hardest. It is a very expensive way to lay a pavement; it cost me over \$6 per yard.

Q. Have you laid a pavement in Brooklyn or elsewhere, all of which was laid at one time, as here?—A. Yes, sir; I laid a pavement three years ago in Prospect Park; it is a perfect pavement to-day.

Q. When was that laid?—A. In August, 1869; it is a better pavement to-day than it was six months after it was laid; but the foundation was there before. It was a macadamized road. I have side-walks that are three years old, all over Brooklyn, which have not a break in them, and no honey-combing. I have seen but little that did not honey-comb, but I must say that the most I have seen has been the cheap kind, laid for something like a dollar a yard.

By Mr. CHIPMAN:

Q. It appears in evidence by persons who have examined your pavement, and that on Pennsylvania avenue, that it can be laid from 75 cents to 95 cents per yard. I want you to state whether such pavement has been or can be laid for that sum. Say 95 cents?—A. With all respect to the committee, I think that is ridiculous. The liquid material which I use costs close on to 75 cents a yard. I estimate that the rolling costs me 35 cents a yard, and it is not a mere estimate on paper; it is made from my reports. I venture to say that the gentleman who has done this work will testify that it cost that amount.

By Mr. STARKWEATHER, (the chairman:)

Q. Do you know of any extensive pavements in any large city that have been tested for years where there is a good deal of heavy travel?—A. There are some good concrete pavements in New York and in Brooklyn, and in Hartford, Connecticut; but no very extensive or lengthy pavements.

Q. Have they been in places where there is heavy driving?—A. Yes, sir; in Hartford and in other places.

Q. Where in Hartford; near the State House?—A. Yes, sir; and I was told that it had been down three years; I think that would demonstrate that it was a good pavement.

Q. What points in New York?—A. I don't know that I can name them; they are mostly short streets.

By Mr. CHIPMAN:

Q. Do you know of any in Philadelphia?—A. No, sir.

By Mr. STARKWEATHER, (the chairman:)

Q. This kind of pavement has been laid in Paris, has it not?—A. Not the same kind; they have an asphalt rock of which they make the pavement, which they grind up with the stone. It is a different thing entirely. I don't think there is a perfect concrete yet, and I don't claim that mine is the best. We are all learning something about it every year.

By Mr. CHANDLER:

Q. I will ask you to restate your judgment as to the necessity of great care in producing this compound. Do you attach very great importance to having it heated to the proper degree?—A. Very great; and the rolling should be done before it cools. It is of the utmost importance to have the right temperature, and great care should be used in laying the pavement; and it should be laid in good weather.

Q. Can you give any idea of the cost and labor of reducing the coal-tar and asphalt to your compound?—A. No, sir; because the oils extracted are not thrown away. I think that my compound prepared to be put on the street will cost me fully 30 cents, and probably from that to 40 cents per gallon.

Q. How many gallons to a square yard?—A. That depends upon the nature of the stone; if it is open sandstone it will receive three gallons, costing about \$1 a yard.

WASHINGTON, D. C., April 3, 1872.

WILLIAM B. PARISEN duly sworn and examined.

By Mr. CHANDLER :

Question. Are you engaged in the construction of asphalt pavements ?—Answer. I am ; under my own Parisen patent.

Q. How long have you been engaged in the construction of patent pavements ?—A. This is the fourth year.

Q. Where have you laid your work ?—A. The first piece was on Central Park, New York, about the middle of 1869, and on Prospect Park, Brooklyn, 1869, and Lee avenue in 1869 ; also, at the West Point Military Academy in 1869, and at the Arlington House in this city, in 1870.

Q. State where you put down your 10-inch pavement, and what is its present condition ?—A. The first was put down on Eighth avenue drive in Central Park, New York, in June or July, 1869 ; and the testimony of those who have examined it in regard to that is that it is as good now as when it was laid.

Q. How long since you have seen that pavement ?—A. I saw it last September.

Q. Is it alluded to in Mr. Kellogg's report to the committee ?—A. Yes, sir.

Q. State what prices you have been getting ?—A. From \$6 50 to \$3 50 for the pavement, without excavation.

Q. Where ?—A. In New York, Brooklyn, and in New Jersey.

Q. What prices are you getting for the same work in Washington ?—A. Three dollars and twenty cents per yard, including the excavation of two feet in depth ; that would make the pavement \$3, and the excavation 20 cents per yard.

Q. At what price did you put down that pavement in front of the Arlington House ?—A. That being a small piece, the agreement was to put it down at \$4, making the work complete of curbing and paring the grade as well as the construction of the pavement.

Q. What work are you now engaged in in this city ?—A. I am now engaged on Vermont avenue, from K street to the circle at Fourteenth street.

Q. Is the work actually in progress now ?—A. Yes, sir.

Q. State what is the construction of your work ; how you make your pavement.—Q. In the first place, after the excavation is made and the ground rolled, I have a man go over the ground with a bar about 8 feet long, which he uses throughout the whole street, sounding the earth to see if we have a solid road-bed ; if any soft places are found, these are taken out and filled up to make them solid ; then the whole is rolled and leveled with a heavy roller. After that, the road bed of broken stone and detritus, the stone being made clean, is amalgamated. The stone is mixed all through with this amalgam, so that they are perfectly cemented, and the whole becomes a solid mass. This first course is from 5 to 6 inches thick, except near the curbstone where it is, perhaps, not over 3 inches thick. We put upon this a heavy roller, and, after it is thoroughly compressed, we go along with what we call a wedger, or binder, which is composed simply of gravel and mixed with a bituminous compound ; this is put on about 2 inches thick, and pressed down thoroughly, so that every interstice of the stone is sealed. That is the second course. After the third course we take and sprinkle a heated liquid of asphalt all over it, about an inch and a half thick. After that liquid becomes cool, so that a man can step on it without being burned through his boots, we come along with a mastic of asphalt, which is thoroughly rolled down, and then there is another coating of liquid asphalt spread over it mixed with very fine gravel of the best quality ; we go over that with the liquid asphalt, in order to make an adhesive coating, and then we put on another coating, of an inch and a half thick, like the last one, and press it thoroughly, and when that is done the street is finished.

Q. How many courses have you described ?—A. Four.

Q. What is the depth of the pavement after it's finished ?—A. On the central portion it is about 7 to 7½ inches, but along down at the angles, near the curb, not over 5 inches. It takes about 10 inches of material which, by the compression, is reduced to an average of 6 or 7 inches.

Q. State whether the pavement you have now described is equal to that in front of the Arlington ?—A. I think it is a little better. I have made some improvements within the last few years.

Q. You may state what your binding substance is made of ; what your peculiar process is, so far as you are willing to state to the committee, and what the object of your peculiar treatment of the coal-tar is.—A. We take the crude coal-tar as it comes from the gas-house ; we distill that and take the light volatile matter and a part of the heavy oils ; we reduce it to a fatty or adipose matter, which is called paraffine. This has something of a soapy appearance after the volatile matter has been exhausted. We mix this with the pure asphalt, the Cuban asphalt, a piece of which I have here. We obtain the purest asphalt from Cuba. (Witness here exhibited several specimens of the asphalt, showing it in its pure state and when modified by a certain degree of heat, as used in the pavement, and also when overheated so as to be thereby destroyed.)

Q. Why do you say that one of these pieces is capable of being easily pulverized and has lost its strength ?—A. It has been burned too much.

Q. So that, as I understand you, the object of treating the coal-tar is to extract everything that is volatile?—A. Yes, sir; we retain nothing but the adipose matter. Then we take this asphalt—the heating of that is a secret with myself—that is mixed with the residuum of the coal-tar.

Q. State whether or not this is an important and direct process to which you subject the coal-tar and asphalt for the purpose of making your compound.—A. Yes, sir; it is very important. All our concrete pavement contractors are studying to understand it. I have studied more than most men. I have worked, in experimenting upon it, twenty hours out of the twenty-four for two years to ascertain the affinity between coal-tar and pure Cuban asphalt.

By the CHAIRMAN :

Q. Did you state the heat to which the asphalt is properly subjected?—A. No, sir; the temperature is only known to myself. We take this and the residuum of the coal-tar, and we get with the coal-tar a fiber, so that we can take a small piece of the size of a pea, and spin it out into a fine thread; the whole of this is a fibrous material, and you must have a proper portion of this residuum and asphalt, and a proper degree of heat at the same time.

By Mr. CHANDLER :

Q. What parts of your process have you patented?—A. The fiber and the amalgam of the base, and the upper courses; that is what we claim.

Q. Do you know anything about coal-tar pavements, so-called, 6 inches deep; and what is your cost, and what they would be worth?—A. There are so many different kinds that it would be difficult to say.

Q. If they were simply gravel and coal-tar, I suppose you could lay these 6 inches deep for \$1 a yard?—A. There would be no durability about that; it would appear glossy and hard at first, but when exposed to the sun for a day or two, at 100° of solar heat, the evaporation would take out all the solid part of the coal-tar, and there would be nothing to bind it together.

Q. Then no pavement intended to be durable can be constructed with coal-tar?—A. No, sir; I have seen them laid, and have taken them up and laid them three times over in a single season.

Q. Have you seen the pavements in the Agricultural grounds?—A. Yes, sir.

Q. In what condition did you find them?—A. I have noticed it particularly; I should think that pavement, for a light walk, would do very well. It is a vulcanized pavement; it cracks open by frosts, and the attrition on the top will break it up very readily. I notice that long seams have broken out across the walks; being vulcanized, its vitality is destroyed.

By the CHAIRMAN :

Q. What do you mean by vulcanized?—A. It is made hard by being too much heated; there is no fiber to it; you can break it off as short as a pipe-stem; you cannot bend it as you can mine; the solar heat has dried it up so as to make it crack.

By Mr. CHANDLER :

Q. Would you construct a pavement like that which you are now laying down here, for heavy travel—as heavy as that on Pennsylvania avenue?—A. Yes, sir.

Q. Would you construct it in the city of New York, over which heavy teams are traveling?—A. Yes, sir.

Q. Is that pavement impervious to water?—A. Perfectly.

Q. Have you made any calculation as to the cost of laying down the pavement that you are laying in this city?—A. Yes, sir; I have my estimates here that are a little below. I make the excavation of the gravel top; this old gravel is very compact, and very difficult to get; it is so hard that the picks we use require constant repairing, and the expense for repairing these picks will average about \$10 a day. I put down this excavation of 2 feet at 28 cents per superficial yard; but that will not much more than half cover the cost. Then I put the grading of the road-bed at 3 cents per square yard, and the stone for the base at 65 cents; and the bitumen cement for the base at 37½ cents; for the wood, and the labor in laying this bitumen, 15 cents, making the stone base for the first course \$1 48½ for each superficial square yard, 5 inches in depth. The graveling of the second course, for wedging, as we call it, costs 16 cents per square yard; that is 2 inches thick. The bituminous cement for this course is 15 cents; the wood and labor, 18 cents, making the cost of the second course 49 cents. The third course is the same thing, only it is laid in two layers, so as to get a better compression. The sand for the mastic costs 25 cents a yard; we get that up Rock Creek; the composition of asphalt costs 38 cents; plaster-paris and hydraulic cement, 4 cents; wood and labor, 25 cents; making the cost of the courses 92½ cents; making the whole cost \$2 90 per square yard.

Q. Have you found these clay-holes in the street surface as described by Mr. Evans?—A. Yes, sir; many of them.

Q. How much trouble do they give you?—A. The water percolates through this soil and it will rock like a piece of soft rubber; you have to go down and take out these holes and

fill them with stone. They are generally 4 or 5 feet deep. I have only found four of them on Vermont avenue from K street to the circle on Fourteenth street, 18 inches to 2 feet in diameter.

By the CHAIRMAN :

Q. How much do you go over the ground with the iron bar?—A. Wherever the roller passes along there would be places where it will make a deep indenture, and when we find this indenture we take the bar and sound it, and if we find it goes down easily we take out this pocket and fill the holes with stones.

Q. With what certainty can you find them?—A. We go over the ground very thoroughly, and I think we find them all. It requires a man of some experience to detect them, and we have to inspect every square yard to find them; the only way is to go over carefully first with the roller, and this would indicate the places which need to be filled.

By Mr. ELDRIDGE :

Q. What was the first course of that pavement which was laid in front of the Arlington?—A. Stone.

Q. Of what size; and was it broken stone?—A. It was broken stone from 3 inches in diameter down to quite small pieces.

Q. What depth of stone?—A. Five inches at the thickest part and 3 inches at the angles. There is very little wear near the curb, and we carry up the stone from the main center line, making it thickest in the center; at the angles there is no wear, and we are merely careful to make it join well to the curbstone so as to make a good water-course.

Q. Did you construct that pavement?—A. I did.

Q. So that you are not mistaken about the foundation being made of broken stone?—A. No, sir; I took the Seneca sandstone, and found that it was just what I wanted.

Q. Where was it broken?—A. At Georgetown, on the creek, and amalgamated there.

Q. What is the thickness of the whole pavement?—A. The average is $6\frac{1}{2}$ inches.

Q. Is any part of it 14 inches thick?—A. No, sir; the heaviest part immediately on the center line is not over 7 inches thick. I include the whole material. I have never put down a heavier pavement than $6\frac{1}{2}$ inches thick.

By Mr. CHANDLER :

Q. Was this broken stone that you laid in front of the Arlington mixed with your compound?—A. Yes, sir; it is all amalgamated together. I compound the whole.

By Mr. ROOSEVELT :

Q. Suppose it was not done in that way; how would it affect that pavement?—A. I would not lay such a pavement. My opinion is, if anything like dry stone laid under the pavement, particularly an asphalt, will be the means of breaking the top, it must move more or less by the surface attrition.

Q. Will it do that if the stone is thoroughly rolled?—A. Yes, sir; that does not prevent it. I have tried making pavements in that way, and I would not make any more of that kind.

By Mr. CHANDLER :

Q. Suppose the stone were put down dry and rolled, and the composition poured over it, filling in the interstices; would that bind it together?—A. No, sir; the composition would not affect the lower part of the stone in many places, and they would not be bound together.

By Mr. ELDRIDGE :

Q. Suppose you fill up the interstices, would that fill the entire space?—A. It will come up right through your pavement, even if it was 2 feet thick.

Q. Then why is it not so with the amalgam which you make?—A. I coat the stone first so that the whole surface is thoroughly covered with bitumen. There must be just so much; if there is too little it will not stick, and if there is too much it will work up through the top.

Q. How do you prevent that?—A. It requires very great care and very great attention in mixing up the stone.

Q. What brings this up, as you say?—A. The solar heat.

Q. Is there any such thing as getting just the right quantity so as to prevent that?—A. Yes, sir.

Q. Will not the solar rays draw it out in any case?—A. No, sir; if there is not too much of it.

Q. Why not?—A. Because there is not enough of the bitumen to be drawn out.

Q. Do you wish us to understand that you have found a material which mixes with the stone, has an affinity for the stone, so that the solar rays will not affect it?—A. Yes, sir; so that it will not affect it to any extent. But if you were to pour this material in, it would require, at the least calculation, five gallons of the composition to fill up one superficial yard, and it don't need over three gallons.

Q. Does this substance form a close mass so that there are no spaces?—A. No, sir; there are interstices.

Q. What, then, is the object in covering the stone with that material?—A. It is in part to fill up the spaces, and in part to cement the stone together by the composition.

Q. Is it done while hot?—A. Take broken stone in a heap and 48 per cent. of the whole mass will be in spaces, and that can be reduced 28 per cent. by rolling; and if dried, you can reduce it more than that, leaving 20 per cent. still.

Q. That is so in order that these stone may pack more readily?—A. Yes, sir; that is the main purpose; and beside that, I used a fine sand and hydraulic cement which is made liquid, that goes in and runs all over the stones. This is mixed with the stone before we have it rolled, and it forms a sort of amalgam around the base of each stone, so that when the surfaces come together they are cemented.

Q. Have you examined the statement made by Thornton Smith, so that you can state whether or not that pavement could be laid at those prices; and if it could be laid at those prices, what would it be worth as a pavement?—A. I have never known any tar to be bought at the price which he gives. I think the price he gives for the whole, 75 cents, would be a ridiculous figure. He makes a very indefinite estimate. He says 2,000 bushels of gravel, 22 bushels to cubic yard; 80 or 90 cubic yards cost \$1 50 per cubic yard; 20 barrels of tar, at \$1 50 per barrel; five barrels of rosin, \$2 50 or \$3 per barrel. I have never known any tar at the price he gives; for gravel we have to pay a hundred per cent. more. If anybody will undertake to lay a concrete pavement, I don't care what it is, you may merely take the hydraulic cement and the stone, and the net cost of 75 cents per yard that he talks about would be a ridiculous figure, to say nothing about the tar and the labor. These 90 cubic yards will lay 540 superficial yards 6 inches thick; and he says four men will mix the 2,000 bushels a day, with one foreman. If four men will lay that amount for me, I will give them \$10 a day each. It takes forty-five men, three horses, the mixing-machine, fifteen carts to haul a distance of 1,500 yards, and do the work of laying a thousand yards in one week. The leveling, laying, and rolling he makes cost 20 cents per yard. Gentlemen, that is simply ridiculous. You might as well take dry gravel and put it down and put nothing else in it. He says such a pavement would last on Broadway; but I have given my opinion about that. Broken stone, he says, can be laid per square yard 6 inches deep for 25 to 30 cents per yard. I will enter into a contract, and give sufficient bonds, to give 100 per cent. more to Mr. Smith to do that. A cubic yard of stone, he says, will lay six yards. Then that accomplishes what I cannot do; for I cannot get over four and a half out of a cubic yard of stone. Taking his own estimate here, nothing but gravel or broken stone, and lay 5 inches of pavement with gravel, and it will cost \$3 70 a cubic yard; that is, take the gravel, at \$2 50 a cubic yard; screen and heat it will be 33 cents; carting to the street, 75 cents; grading, 12 cents; total, \$3 70. But then there is the coal-tar will cost 48 cents per cubic yard of material, and for rolling 10 cents; costing in all \$4 78. This would lay 5 superficial yards at the most of 5-inch pavement; which would be 85 cents per yard of surface, and would be utterly worthless in twenty-four hours after it was laid, because the tar will work right up, and as soon as it evaporates you have nothing to hold it.

Q. Have you examined Captain Grant's report of figures?—A. Yes, sir; I have examined it, and see that he figures the total cost at 91 cents. That is a very healthy report; very healthy. It is simply ridiculous, and is not worth answering.

By Mr. COOMBS:

Q. Do you lay your pavement in accordance with the patent?—A. Yes, sir; strictly in accordance with the specifications.

Q. In speaking of the worthlessness of the coal-tar, you, as I understand you, mean the crude coal-tar?—A. Yes, sir; just as it comes from the gas-house.

Q. After it is treated in the way you describe it is called pitch, is it not?—A. No, sir; there is a great difference between the distillation of our material and pitch.

Q. If this coal-tar is treated at the gas-house works where they get the various oils which they obtain from it, is not the residuum called pitch?—A. Yes, sir; if the adipose matter, or fatty matter, is extracted, you have nothing but pitch, and in some cases you get coke. The degree of heat sometimes destroys the vitality. We leave part of the adipose matter and the heavy oils in it, which makes it very glutinous.

Q. For your first foundation, what ingredients do you use in your cement, and what are the proportions of each?—A. I don't like to state the proportions here.

Q. Are those the proportions, so far as stated in your specifications?—A. Yes, sir, with reference to the asphalt; but with reference to some other of the ingredients we do not state them.

Q. Your pavement is the one that Captain Grant and Mr. Frederick reported to be a good one, is it not?—A. I understood that they said so.

Q. I understand that every coat that you put down is put down so as to be cemented together?—A. Yes, sir; it is cemented from the road-bed to the surface; you can take up a separate portion of it, but it will all come up together the same as a flag-stone.

Q. You extract the volatile oils simply by boiling in an open vessel?—A. We have it prepared for us at Baltimore, at the gas-house there.

Q. Are you acquainted with the pavement laid by John O. Evans, and by Mr. Filburt, and particularly that in front of the President's House?—A. I have seen those pavements.

Q. They do not make a pavement at all like yours?—A. No, sir.

Q. Is there any composition poured over it so as to run down between it and fill up the interstices of the stones?—A. I have never looked for that.

Q. Have you not understood that after the laying down of the bed-stone and rolling it, they simply sprinkled a little coal-tar over it?—A. I have seen them put on something blackish, but do not know as to the manner of the construction.

Q. Do you know the relative cost of making such pavements as that, and such as you lay down?—A. I could not say.

Q. Is it not your opinion that yours is more expensive?—A. Yes, sir.

Q. Does he get the same price as you?—A. I do not know.

Q. Have you examined the condition of that pavement?—A. I have passed over it and seen that its breaking up some.

Q. Have you examined the pavement made by C. E. Evans on Madison Place?—A. Yes, sir; I have found holes here and there in it.

Q. Did you examine them to see whether they were caused by the sinking of the bed or by the wearing away of the concrete on the top?—A. No, sir; I cannot say whether it was caused by the abrasion or attrition, or by sinking.

Q. Suppose you were to lay a pavement on the street with cobble-stone on it and had the privilege of breaking up the cobble-stone; how much per yard would that be worth to you?—A. It might be good enough to take into the mud places or something of that kind. I should suppose it would be worth, perhaps, \$2 a cubic yard.

Q. Would a cubic yard of cobble-stone, such as that laid on Pennsylvania avenue, when broken up make a cubic yard of the broken stone?—A. No, sir.

Q. If the authorities permitted you to use it, and wanted you to use it, then how much would you save on your job by having the privilege of using that stone?—A. I do not think I would make anything by it if they gave it to me.

Q. Would it not be better than to haul it from the quarry?—A. It would make little difference whether you haul it one square or five; you have to break them up, and we find it costs about a dollar a yard to break it, and then not get it even. I don't think this cobble-stone, on the whole, with all the trouble in carting back and forth to the machine, and after breaking it, back to the street again, is worth anything at all. If you had to haul the stone all the way from Georgetown, on the creek, instead of taking the stone, you might save 50 to 75 cents by using the cobble-stone.

Q. You don't think the cobble-stone on Pennsylvania avenue ought to be made into the pavement?—A. No, sir; I don't think it worth anything.

Q. Don't you know that John O. Evans used that?—A. I understood he rolled them until solid, and then he put on the broken stone the top of them.

Q. Suppose he used 6 inches of the cobble-stone and then put some broken stone on top; he made a saving by that, didn't he?—A. I think possibly he made and saved the 75 cents a yard.

By Mr. HARMER:

Q. Do you mean to say that he put 6 inches on top of the gravel?—A. No, sir; he put the broken cobble-stone on the ground and then he put on the angular stone that he brought from Georgetown creek, and then rolled that with a heavy roller.

By Mr. ROOSEVELT:

Q. Were these laid down when dry?—A. Yes, sir.

By Mr. COOMBS:

Q. You estimated that you were to take off 6 inches of gravel and then grading the streets 2 feet; is there 2 feet of grading generally?—A. I do not know whether there is generally. I have graded sometimes to a depth of 3 feet.

Q. Take the grading on Pennsylvania avenue between Fifteenth and Seventeenth streets; is there any such depth of grading there?—A. No, sir; after taking the cobble-stone up perhaps no more than a depth of 4 or 5 inches.

Q. You do not think there has been 2 feet taken off generally?—A. I could not say.

By Mr. HARMER:

Q. Is the grading included in your estimate of \$3 20 per yard?—A. It is not estimated to the depth of 2 feet, but if we go over 2 feet we have pay for that.

By Mr. ELDRIDGE:

Q. How long are you obliged to keep the street in repair?—A. We give a good and sufficient bond to keep it in good condition for three years.

By the CHAIRMAN:

Q. How long will such a pavement as you have described last?—A. That is a matter to be determined by experience. It is very difficult to answer. I have consulted with Mr. Colyer about the pavement in Prospect Park, New York, and Mr. Kellogg writes me that the pavement there is, in every respect, in as perfect a condition to-day as when it was fin-

ished. And you are perfectly safe in saying that you can guarantee the pavement for five years without any repairs. The base of that pavement cannot be taken up except by main force, and anywhere on top of it can be repaired readily. The mastic course on the top, I think, will need to be re-enforced, perhaps, once in six years; but that surface can be replaced at a cost of 90 cents a yard.

Q. Then, in six years, according to your estimate, the pavement will be required to be relaid, or five times in thirty years, making a cost of \$4 50?—A. Yes, sir; but the base always remains the same. It is considered the cheapest road in the world. I find there is no road so cheap as a well-constructed asphalt roadway.

Q. Take those pavements that were put down in 1869 in New York and Brooklyn, and in some other places, is there not an injurious effect upon the houses and trees generally, from the dust and coloring substances?—A. No, sir; that difficulty came from the pine-tar which we put on the Belgian pavement.

Q. But with your pavement there is no such dust as affects the property in the neighborhood?—A. Not a particle. The only dust that affects the property is what comes in from the other streets.

Q. Would you put your repairs on the top of the old base?—A. Yes, sir; I have tried that fully to my satisfaction, on Lee avenue, in Brooklyn. I put down the base and the wedging in November, 1869, and in the next spring up to June, or in June, I put on the mastic surface, and that is there now as good as ever.

Q. There is no difficulty then in putting another surface like the outer one on the top if the repairs seem to require it?—A. None at all. I can put a surface on the Arlington pavement of an inch and a half thick and you cannot separate them. I tested that on Lee avenue.

Q. Is that avenue subjected to heavy travel?—A. Yes, sir.

By Mr. ROOSEVELT:

Q. Do you know of any concrete pavement, subject to a great deal of traveling, that has stood?—A. Yes, sir.

Q. Where?—A. On Eighth avenue, between Orange and Newark, New Jersey, which I laid in 1870. I do not know any road which has more traveling over it. There are 500 teams carrying gravel and stone over it, and have been for two years. And you cannot see that the carriage-wheels have marked it. My work has always stood.

Q. Do you know of any other in any city?—A. No, sir.

Q. Do you know of any in New York anywhere that has stood?—A. I have never seen any asphalt road yet there. I have seen what they call an asphalt pavement.

By Mr. CHIPMAN:

Q. How would the travel in Brooklyn compare with that on Pennsylvania avenue?—A. It is less here.

By Mr. ROOSEVELT:

Q. Has not the pavement laid by you in this city disintegrated?—A. I do not know; I have not been over that since the snow was off. I have noticed some few places where there has been a little breaking up.

By Mr. CHANDLER:

Q. Explain why the pavement, which is apparently good as when made, at the end of three years, may be destroyed in two years more? Or, in other words, three years' travel does not injure it in any way, why should the next two years do it?—A. I do not say that the pavement will be destroyed in six years.

Q. You say that the top coat will need replacing; why would that be?—A. I do not know that it would. That which I have seen that has been laid two years longer than the Arlington pavement does not seem to need it now.

Q. Then why did you say it might need repairing?—A. It was simply to make a safe calculation merely to get at some basis.

By Mr. ELDRIDGE:

Q. Is it your opinion that the pavement would need repairing once in six years?—A. No, sir; only on the heavily traveled streets.

By Mr. CHIPMAN:

Q. Do you regard the guarantee of three years sufficient time to protect the citizens? Will the pavement show its merits or defects within three years?—A. Yes, sir; within six months.

By Mr. ROOSEVELT:

Q. How much pavement is being laid under your patent here?—A. Between Vermont avenue and K streets; and I have three squares to lay on E street, between Third and New Jersey avenue, and on Fourth street from Indiana avenue up to New York avenue.

Q. You say that cobble-stone does not make a good basis; what do you mean?—A. Because they are all round surfaces and they will not adhere to one another, and the composition does not adhere to them as well as to broken stone.

By Mr. CHIPMAN :

Q. It was stated here, by way of criticism, that stone which had sharp angles were objectionable on that ground; does your experience agree with that?—A. No, sir; we know we can pack angular stone more closely than round stone.

Q. If the contracts made with the Evans's require them to keep the pavement in repair for three years, would you regard that as a sufficient guarantee to secure a good pavement?—A. Yes, sir.

Q. Will that pavement develop itself within that time?—A. Yes, sir.

Q. Then, if it remained good for that period of time you would consider it a suitable pavement to be laid?—A. I would.

By Mr. ROOSEVELT :

Q. Suppose there are 6 inches of broken stone and rolled and then the pavement put on that and rolled again, and then the concrete put on top. Would that make a pavement that would stand?—A. My opinion is that it would not, but there may have been roads constructed in that way that stand.

Q. How long will a wooden pavement last?—A. That is according to the style that it is laid and the method of packing in of the interstices and the laying. As far as my observations in New York and Saint Louis have gone they have stood from three to four years, some of them five years. I have been over the pavement in Chicago. That piece laid on Lake street in 1867 or 1868—and I made some inquiries about it—I understood that it had been there thirteen years, but the repairs put upon it would amount to as much as the cost of a new pavement.

Q. Have not many pavements in New York worn out in one year?—A. I do not know about that.

Q. You think the best of them would last from four to five years?—A. That is my opinion.

By Mr. HARMER :

Q. Without any repairing?—A. I have never seen a wooden pavement that would remain good without repairing every year.

By Mr. ELDRIDGE :

Q. Do you know the amount of business on Lake street, in Chicago?—A. Yes, sir; there is a heavy business done there.

Q. Do you know that after the pavement had been laid nine or ten years that they laid another pattern, the Nicholson pattern, on that same street?—A. No, sir.

Q. Do you know Wabash avenue?—A. Yes, sir; that is a pretty heavily traveled street.

Q. Do you know that that pavement had lasted before the fire seven or eight years?—A. No, sir.

By Mr. CHIPMAN :

Q. You were speaking of the wooden pavements put down without being treated in any way?—A. Yes, sir; and I do not consider the preparation of any value.

By Mr. HARMER :

Q. Have you ever made an estimate of the cost of the concrete pavement made by John O. Evans on Pennsylvania avenue?—A. No, sir.

Q. About what would be the difference of the cost of that pavement and such a pavement as you are laying?—A. I do not know what material they are using or what depth. I cannot make an estimate upon it.

By Mr. CHIPMAN :

Q. You said you would not lay a pavement with the dry stone as a base. Do you wish us to understand that you condemn all other pavements than your own?—A. No, sir. I am here simply to testify and give my opinion as to what I would do.

Q. Can you testify that the pavements made by either of the Evans's will not stand?—A. You were asking me for my opinion. It is a delicate thing for me to answer. I do not want to be egotistical or try to make the committee understand that my pavement is the only one that is good for anything. I have said that I would not construct a pavement like that and I would not guarantee one like that. I think the pavement should be one all the way through.

Q. Then you give us an opinion without having examined the manner or the material of which these other pavements are made?—A. Yes, sir; I do not know the material and I do not know how they lay it. I made that in Jackson Place in bad weather. We did it for the benefit of the people living there, who wanted the road put down; there had just been some deep trenches put down for water and the street was in a bad condition and we could

not put down the pavement well. We had to do something to make the street passable; we expect to make that pavement passable.

By Mr. COOMBS:

Q. You spoke of a contract for the road on Fourth street. Have you made a written contract?—A. I have a printed contract, but I do not know that is completed yet or not; we have not commenced work there, and I cannot say whether we have the contract or not.

Q. What work have you actually commenced?—A. Vermont avenue, from K street and the circle.

Q. Is that all?—A. Yes, sir. Only about six or seven thousand yards.

Q. Cannot a good concrete pavement be made without asphalt, in your opinion?—A. No, sir; emphatically I say that.

Q. What proportion of asphalt is necessary?—A. Eighty pounds to the one hundred gallons of composition.

Q. I see the price for graveling is put down at 15 cents per square yard; would not the hauling be more than that?—A. Yes, sir; that is cheap.

Q. Have you not observed this concrete pavement that where there is a little depression, so that a puddle of water will stand, the wheels will cut through the concrete very rapidly in that condition?—A. Yes, sir.

Q. And in going along, after a rain on this pavement on Pennsylvania avenue and Madison Place, don't you see many such puddles?—A. I never go there in the rain. I keep in the house. I am subject to rheumatism.

Q. Have you noticed that pavement back of the Patent-Office?—A. Yes, sir; I have noticed that often.

Q. There are many such depressions there?—A. I think there are more than there should be.

Q. Who laid it?—A. I do not know.

Q. General Chipman asked you whether three years would not be sufficient to develop the qualities of concrete pavements. Have not a few months been sufficient to develop the qualities of the pavement on Pennsylvania avenue?—A. That would depend upon what kind of development you want to make.

Q. Would not that be sufficient to show that it is a very bad pavement?—A. I am an interested party, and I do not want to condemn another man's work.

Q. Suppose the pavement is laid, and the contractor agrees to keep it in repair three years, and it is necessary to keep constantly repairing it during that time, every month, what security would the District have that that pavement would remain good any longer than three years?—A. I should think they would have none.

Q. Do you think it a judicious expenditure to pay \$3 20 for a pavement that will last three years only?—A. If that were usual that it would not last longer I should not think it to be so.

Q. Or, after three years, if it had to be repaired every month, or every sixty days, it would not be a judicious expenditure?—A. No, sir; it would be very expensive.

By Mr. CHANDLER:

Q. If the surface of the concrete was depressed, so that water would stand in the depression, would that be a defect in the pavement?—A. It would be a defect in the grading. It would show carelessness in grading.

By Mr. CHIPMAN:

Q. If a pavement such as you laid, or any concrete pavement, stand a year or two without repairing, would that indicate its success?—A. Yes; if it stood a year or 18 months.

By Mr. CREBS:

Q. In that pavement at the Arlington I find no breaks or sinking places, but in some others I do; is there anything like that break in the Vermont avenue pavement?—A. That is not finished.

Q. Where there is a break of that kind and it is necessary to take it up and put down the pavement again, will not the pavement give way, in that place, immediately, or could that be so cemented with the other portions of the pavement as to make it solid, as if it was all put down at once?—A. Yes, sir.

Q. If laid with concrete and asphalt you think it would adhere?—A. Yes, sir; if laid in the proper manner.

Q. Where there is a sudden break, that shows a defect in the composition of the material, and, according to your theory, the grade should be made so perfect that, when you put on the surface, there should be no depression?—A. No, sir; that depends on the grade.

Q. If you laid the pavement with depressions in it that would hold water, you would not consider it a good job?—A. No, sir; I should take it up.

Q. Even in your pavement if there is a depression so that the water will stand on it, it will wear out there sooner, will it not?—A. No, sir; it is perfectly impervious to water. I

have had that pavement in Prospect Park, under a stream of water for six months, and it does not affect it at all.

Q. Do you think it would wear any more in a depression than in an elevation?—A. Yes, sir; it would naturally, from the fact of the precipitancy of the wheels from a high to a low place. The presence of water would make no difference.

By Mr. ROOSEVELT:

Q. Can any concrete be laid in wet or frosty weather?—A. No, sir.

By Mr. HARMER:

Q. Do I understand you to say that the concrete pavement would not be laid of uniform depth, but that the center was thicker?—A. Yes, sir; five feet from the curbstone nobody rides; twenty feet from it is the mean line where the travel generally is, according to the width of the street. All you want near the curb is to protect it so as to keep the water from getting between the curb and the pavement. I take the material more near the center.

By Mr. CREBS:

Q. You don't wish to put down pavement in cold weather?—A. No, sir; we put that down last winter merely as temporary.

WASHINGTON, D. C., April 3, 1872.

SAMUEL STRONG duly sworn and examined.

By Mr. CHANDLER:

Question. Where do you reside, and what is your business?—Answer. In Washington; I am a contractor and builder; am a mason by trade; have carried on the business for forty-one years.

Q. Were you the contractor for the Slash Run sewer?—A. Yes, sir; I took it and finished it.

Q. Have you read the testimony of Mr. Philip Kerns and John Norman in reference to it?—A. Yes, sir.

Q. Have you made a statement, which you wish to submit, as your testimony?—A. Yes, sir. I have it here.

Testimony read, as follows:

“CONDENSED HISTORY OF THE SLASH RUN SEWER.

“The contract was made by W. W. McLanahan, with the board, from whom I purchased it. The contract was made for building 1,250 linear feet of sewer. McLanahan made a sub-contract with S. S. Rusk for building 625 linear feet of stone wall on each side of the sewer ready to receive the brick arch—Rusk to furnish stone, sand, and cement; the work to be done according to McLanahan's contract; this sub-contract was made September 28, 1871.

“McLanahan also made a sub-contract with Hugh Hughes for a similar amount of work, under the same conditions, on the same date.

“These two sub-contractors employed Daniel, John, and Thomas Hannan to lay the stone for them by the perch, all stone, sand, and cement to be furnished at the work by Rusk and Hughes. The Hannans laid all the stone used in the Slash Run sewer, except about 100 perch, which was laid by Rusk.

“Under these conditions I purchased the contract of McLanahan, continuing the sub-contracts made by him, the sub-contractors employing and discharging the masons, laborers, &c., employed by them.

“On several occasions I insisted upon the sub-contractors discharging some of the stone-masons who did not lay the stone in a proper manner, and the sub-contractor, Mr. Rusk, if he had not the money to pay men when discharged for bad work, gave money orders on me, which I paid and charged to him, and had such work as I condemned taken up and relaid in accordance with original contract. The stone, cement, and sand were of the very best quality, and the work equal to that of the United States Capitol extension foundations, of which I was general superintendent. One barrel of cement to two of sand were used in the construction of the stone walls throughout the entire length of the sewer. I was present from morning until night during the entire time of the construction of the stone walls, and superintended their construction, having the joints well broken and headers running through the walls every few feet, with a heavy coping on top from end to end.

“The best brick were used in constructing the sewer arch, some 130,000 of which I purchased of Hopkins Brothers, at the price of \$15 per thousand. The cement used was also of the best quality, which cost me \$2 50 per barrel. The sand was the best river sand that could be purchased, and was mixed with the cement in large boxes, in the proportion of one barrel

of cement to two of sand, and I employed as good bricklayers as were in the city to lay the brick, and superintended this work and the mixing of the cement personally.

"On one occasion a portion of the brick arch immediately opposite Mr. Hoover's slaughter-house was pushed bodily from the top of the stone walls, falling partly into the sewer and partly into Hoover's yard. This fall was caused by the sewer being unsupported on the northeast side, while the southwest side had an embankment some 35 feet high dumped against it by Mr. Hulse, who had charge of grading the streets in that vicinity, and some one having cut a sluiceway from a pond in the street above, let the water in upon this newly-dumped earth, causing it to settle and press upon the upper side of the sewer (while Mr. Hoover refusing to allow his yard to be filled so as to back up and support the other side) and push it from the walls. Notwithstanding Mr. Mullett's, the chief engineer's, orders, that the arch should be loaded equally, this filling was continued, whereas if his orders had been obeyed this trouble would have been averted. As it was, I repaired the breach in two days. Mr. Hoover, seeing the necessity for it, allowed us to fill his yard sufficient to support that side of the arch.

"After completing the brick-work, I requested, through the city press, a visit from the master-builders of the District to inspect and pass opinions upon the manner in which the work had been done. In compliance with this request a number of our best mechanics came and made a thorough examination of the work, and under oath, made at my request, pronounced the work equal to any corporation contract work they had ever seen done in the District. This opinion was fully concurred in by Mr. De Maine, one of memorialist experts, who said to me on last Monday that I had fully complied with all the requirements of my contract. The work was inspected and accepted daily by the board inspector.

"Respectfully submitted.

"SAMUEL STRONG.

"WASHINGTON, D. C., *March 30, 1872.*"

Q. Did you request Mr. Charles Davis to inspect this work?—A. I did. At the time he examined it it was all covered in except about 30 or 40 yards.

Q. Is the whole well constructed?—A. Just exactly according to contract.

Q. You may have noticed the testimony of a witness, that you ordered a man to be discharged because he had not put in sufficient stone into the work?—A. I had the man discharged and the work taken up, and then had the work done well. I took just as much care to have it done well as I did on the two wings of the Capitol to have the foundation well made. There was a deep gully there, and I had the cement mixed down in the bed below, and always attended to the mixing myself, and I had two of the best men I could get; and I never had any cement mixed any length of time before it was put on.

Q. One of the witnesses stated that he was discharged because he used so much cement?—A. There is not a word of truth in it.

Q. Is it your opinion that the work is a good piece of work?—A. I am under oath, and I say it is as good a piece of brick or stone work as there is in this city. I have affidavits of six good mechanics who have examined it and who will say the same.

By Mr. ROOSEVELT:

Q. How many feet of earth are to be piled on top of the sewer?—A. I do not know the grades; from two to five feet, I think. It may be as deep as you please; if it is only supported alike on each side, it will be all the stronger for the depth.

By Mr. HARMER:

Q. Did you discharge this man because his work was imperfect?—A. Yes, sir.

Q. And you had the work done over again?—A. Yes, sir; certainly.

By Mr. CHIPMAN:

Q. It was stated that this sewer was washed down, and a part of it remained there; was that true or not?—A. That was not true.

Q. Did you mix the cement on the bottom of the sewer, which was planked?—A. Yes, sir; and that was just as good as a box for mixing in.

By Mr. COOMBS:

Q. You mentioned something about work done on the Capitol extension?—A. I did.

Q. There was a congressional investigation in regard to that?—A. There was, after I left. [The purpose of this line of inquiry having been stated, the committee decided that it was not to be admitted.]

WASHINGTON, D. C., *April 4, 1872.*

DANIEL COUGHLAN duly sworn and examined.

By Mr. CHANDLER:

Question. Where do you reside?—Answer. In Washington.

Q. Did you work as a foreman of Thornton Smith; if so, how long?—A. I have worked between three and four years for him as a foreman.

Q. When did you leave his service?—A. About a year or fifteen months ago.

Q. Did you, as such foreman, superintend the laying of his concrete pavement?—A. I did.

Q. What was his concrete pavement made of?—A. Gas-tar and pine-tar, mixed with sand and ashes; very seldom he used rosin; I do not believe I used fifteen barrels of rosin during my whole time in his employment. We got the gravel out of Tiber Creek, and some down on the river.

Q. How did you mix the first coat?—A. We warmed the gas-tar and pine-tar, and applied it right on the pile of gravel, having three or four men with shovels moving it from one pile to another, and mixing it in that way; that was put down and rolled with rollers weighing from eight to twelve hundred pounds. The second or upper coat was composed of sand that would go through a half-inch screen—half ashes and half sand—with equal parts of gas and pine tar, mixed up in the same way as the other coating, while warm. We boiled the tar to make it thin.

Q. What jobs were superintended by you?—A. The Agricultural Department, and at the Young Men's Christian Association building.

Q. What is the condition of the work done at the grounds of the Agricultural Department?—A. It is raveling, and somebody has been patching it up. At the Young Men's Christian Association rooms the gutter is gone altogether.

Q. Did you lay a piece of this pavement on F street between Seventh and Eighth?—A. Yes, sir. We used some rosin in that. That was laid about four years ago, but it is not there now; it has been gone for some time; it may have been down nearly two years.

Q. Was any of the pavement that you laid for Thornton Smith, in your opinion, suitable for out-door pavements?—A. In my opinion it would have to be overhauled at least once in three or four years.

Q. What do you mean by being overhauled?—A. Give it another coat of tar and sand.

Q. Did you lay any of this pavement in Mr. Rives's stable?—A. Yes, sir.

Q. At what time, and what was the result?—A. I laid it at one time with gravel and fine stuff, coal-tar and pine-tar, mixed together. It was laid in March, and I think we took it up in June of the same year. I went to see it a short time after it was laid, and it was all broken to pieces. I relaid it with coal-tar, pine-tar, and rosin, mixed up hot. That made a little better floor than at first, but I believe it has been taken up since; I do not know when.

Q. Did you lay a pavement back of S. P. Browne's row of houses, where Speaker Blaine and Fernando Wood live?—A. Yes; we laid an alley there. That seems to be raveling and going. It is not breaking, because there is no travel on it. It is chipping off the same as dry gravel will ravel along the top.

Q. State the prices that Mr. Smith got for his work, if you know; state the price of that piece at the Post-Office.—A. Mr. Smith told me \$4 a yard. Under the archway that has worn pretty well, but the piece up toward the curb-stone has since been covered over. At other places he got different prices; at the Agricultural Department, I believe \$1 75 for one portion, and \$1 25 for the other—

Mr. Coombs interrupted.

By Mr. COOMBS:

Q. How much pavement was laid on F street between the Patent-Office and the Post-Office?—A. There was only about 25 feet put down on the main street between the track of the railroad.

By Mr. CHANDLER:

Q. State what have been Mr. Smith's pecuniary circumstances while you have been working for him, and whether he had money to pay his bills.—A. For the first two years, and no mistake, he was up to the nail every Saturday night, but from that time he was not as good as he ought to be. Some weeks he would not give us more than within \$20 or \$40 of what our demands would come to. For the last eighteen months Mr. Smith never could come up Saturday night as he ought to.

Q. Did anybody, to your knowledge, have to enforce liens for their pay on his work?—A. Yes, sir; one man, Michael Fitzgerald.

Q. Did you ever lose any money by Mr. Smith?—A. He is owing me now.

By Mr. COOMBS:

Q. Have you been engaged in laying any other concrete pavement?—A. Yes, sir.

Q. What?—A. I have been laying concrete since I left Mr. Smith until I went to the board of public works.

Q. For what purpose did you go to the board of public works?—A. As superintendent.

Q. Are you now superintendent?—A. No, sir.

Q. What is your present occupation?—A. I lay concrete, and do almost anything I can take hold of.

Q. What concrete have you worked on—who was the contractor?—A. It was between me and Michael Fitzgerald.

Q. What is the character of the concrete pavement that you and he have been putting down?—A. We used pitch and gas-tar heated in pans.

Q. What kind of pitch?—A. Refuse pitch and gas-tar; and we used sand.

Q. Is that on street pavements?—A. No, sir; we do not make street pavements; we lay in cellars. I have laid one sidewalk after Mr. Smith's patent; I believe that is the only one.

Q. Have you worked on any concrete street pavements?—A. No, sir; not for myself.

Q. Have you examined the concrete pavement laid on the avenue?—A. No, sir.

Q. Do you know what Mr. Smith's sand and gravel cost him by the cubic yard?—A. I do not know. I do not believe he ever bought any by the yard; he bought by the bushel; I think he paid either 7 or 8 cents a bushel.

Q. How many bushels are there in a cubic yard?—A. I cannot tell; I never knew Mr. Smith to buy any gravel or sand only by the load.

Q. What did he pay a load for what he got in that way?—A. He had a creek that he rented from Mr. Jones; I think he had the use of that creek for \$250 a year; and he got it out and screened it himself. I remember now we have bought some at 10 cents a load on the creek, and I think it may be hauled for about 10 cents a load.

Q. Do you know how many loads would make a cubic yard?—A. I think about three such loads as were hauled out of the creek.

Q. Did you ever know as high a price as \$1 75 being paid for hauling sand in this city?—A. No, sir; that would be a high price.

Q. Do you know what Smith paid for his gas-tar?—A. In Alexandria he paid \$1 35; in Annapolis he bought 100 barrels at \$1 a barrel.

Q. How long were you in the employ of the board of public works?—A. From the 17th of August up to the 1st of February.

Q. What kind of work did you superintend?—A. Special improvements.

Q. What kind of work—paving, building, sewers, or what?—A. Cleaning the alleyways and grading the streets.

Q. Were you in their employ during the month of January?—A. Yes, sir.

Q. Did you receive pay for that month?—A. I did.

Q. How much work was done through that month?—A. I do not remember.

Q. Was there any work done during the month of January that you had the superintendence of?—A. Perhaps there was a couple of weeks.

Q. Whereabouts did you superintend any work during the month of January?—A. I think, if I do not mistake, I have done it in the alleyways.

Q. How do you know you did any work in the month of January, if you cannot tell where you did it?—A. I do not remember, but I know I have done some work in January.

WASHINGTON, D. C., April 4, 1872.

JONATHAN TAYLOR duly sworn and examined.

By Mr. CHANDLER:

Question. Where do you reside?—Answer. In New York City; my office is 291 Broadway.

Q. State your business since 1861.—A. It has been principally, part of the time, in putting down wooden pavements.

Q. Where have you laid them since that time?—A. In the principal cities of the United States; New York, Philadelphia, New Orleans; Portland, Oregon; San Francisco, Williamsport, Pennsylvania; Milwaukee, Vicksburgh, Mobile, St. Louis, Brooklyn, and other cities.

Q. State how much wood pavement you had laid in New York when you ceased to lay it there.—A. I introduced wood pavement there in 1867; I laid about 60,000 yards. I have laid none there since that time; in New Orleans I laid about 50,000 or 60,000 yards; in Williamsport, Pennsylvania, from 40,000 to 45,000 yards. I think that, since I have been in the business, I have received, in the aggregate, for the work I have done, probably \$1,000,000.

Q. State whether you have made the subject of wood pavements your careful study; and if so, what has attracted your attention to the subject?—A. My attention was first called to it while I was a member of the common council in Milwaukee, and as such had for several years given attention to the subject of street pavements. We had good stone there; but in 1861, I think, they were about paving the street where I live, and there was a proposition to pave it with wood; I was opposed to it, and went with a committee to Chicago to examine the pavements there. We examined some that had been down since 1856, and when I returned, being carried away with the pavement I saw in Chicago, I reported in favor of it. The patent that I was first interested in was the Nicholson patent. I introduced that pavement in San Francisco, Portland, and Sacramento, and when I returned to New York I commenced laying it there.

Q. State what patent you are interested in.—A. The Nicholson, Knees, the Filbert and Taylor.

Q. Are yours improvements upon the Nicholson?—A. I think they are.

Q. State, if you please, the price received for wood pavements in the principal places

where you have laid them; giving, also, the price of lumber, coal-tar, and gravel.—A. The first pavement that I put down in Milwaukee was in 1871, at \$1 35 per yard; the lumber was \$7 a thousand, and coal-tar \$1 a barrel, and 75 cents per cubic yard for gravel. In San Francisco we got \$2 50, in gold. Lumber there was from \$14 to \$16 a thousand; the coal-tar, I think, was \$3 a barrel. In Portland, Oregon, the prices were about the same; that was in 1865. The pay was in gold in both places, and the premium on gold was about 45 at that time. At Williamsport, Pennsylvania, the price was \$4 18 per yard; lumber cost \$16 a thousand; coal-tar \$4 50; gravel \$2 a ton, or 3 cubic yards, all screened. That was two years ago last fall. In Philadelphia the price was \$4 a yard in 1867 or 1868; lumber delivered cost about \$28 25. In Elizabeth, New Jersey, the price was \$4 50. In New York City I put down the first for \$4 a yard in 1866. The next was \$4 50, and then higher up to \$5 50. Coal-tar was generally \$3 50 a barrel there; but when I speak of coal-tar, I speak of pitch mixed with it, about one-half pitch. It is this compound that I mean in giving these prices. The lumber in New York was from \$30 to \$33 a thousand; gravel, about \$1 50 a ton, which takes about a ton and half for a cubic yard. Grading generally runs from 15 up to 30 or 40 cents a yard. In Elmira, New York, I put down, in 1867, 15,000 yards, but did nothing to the grading. The price was \$3 15 a yard.

Q. Have you ever known of any wood pavement put down at the East, at any time, for less than \$3 or \$4 per yard?—A. I do not know of any. I do not know of any put down anywhere in the East for less than \$4 to \$4 50, except that piece I put down in Elmira for \$3 15, without grading. The price must depend upon the price of material.

Q. Please enumerate to the committee the different wood pavements which you conceive to be good.—A. So far as I can recollect now, I consider the Nicholson, the Miller, the Stowe, the Brocklebank, the Trainer, the Ingersoll, the Knees, and the Harmer, as good pavements. All these are patented. I think there is a patent for almost every conceivable shape of block. The patent is based on some slight difference in the form of the block, the method of combining the flooring, or something of that sort. The different patents vary in the mode of putting together the material, and they get that process patented.

Q. What is considered a fair royalty for the value of the patent?—A. We had for the Nicholson, before the other patents were out, from 16 to 31 cents a square yard. A fair royalty would be from 10 to 20 cents.

Q. Have you observed with care the durability of the various wood pavements that have come under your notice?—A. Yes, sir.

Q. Have you faith in the durability of wood pavement?—A. I have. It is like any other commodity that a man may buy; the value depends upon the lumber mainly. Some contractors obtain the cheapest kind of lumber, which is old, dry, and dead; the life is all out of it. A great deal of that kind of lumber was put down in New York; in Chicago they buy cheap lumber, but it is a thrifty, tough, green lumber, and lasts from ten to fourteen years. I do not think a pavement well constructed and of the best timber will last over ten or twelve years; no lumber will last longer. If timber is burnetized I think it will last from twenty to twenty-five years.

Q. Have you paid attention to the various methods for the treatment of wood for its preservation?—A. I have, a good deal. I think the burnetizing and the Robbins methods are good.

Q. What is burnetizing?—A. You use pressure, and eject the acid and sap from the wood, and then soak the wood in zinc in large cylinders.

Q. What is the Robbins process?—A. The same kind of cylinder is used and carbolic acid of creosote; this is forced into the fibers.

Q. You have confidence in this process?—A. I have the greatest in the world.

Q. How much will such a process increase the durability of the wood?—A. It has been thoroughly investigated by Dr. Sawyer in New York, who says it will not rot in fifty years. He published such a statement in the Tribune. I think this process will make the wood last twice as long.

Q. What do you think of spruce lumber?—A. If burnetized it will last longer than pine. It is especially adapted to burnetizing, and when it is treated it is altogether superior to pine, though when not treated it is inferior to it.

Q. You cannot get good lumber delivered on the streets for less than \$30 50 a thousand?—A. The lumber itself costs \$27 50, and the sawing about \$3; this is common white pine, the cheapest kind of pine. It takes 60 feet to the yard and from that up to 68 feet; that makes \$1 85 for the lumber. For grading I pay 35 cents, which was the cheapest I could do. It takes about two gallons of cement to the yard, which costs 11 cents. The gravel and sand cost about 20 cents; the labor costs 20 cents, for rolling, &c., and the royalty 10 cents, making a total of \$2 92.

Q. You would estimate the cost of burnetizing wood from 45 to 50 cents?—A. Yes, sir. Mr. Henry S. Davis states that at the price of \$3 10 per yard the contractor could make here over \$1 19 per yard.

Q. Have you seen any pavement that could be laid in this city as cheap as that? When you are furnished with Mr. Davis's estimate will you please submit your answer to it to the committee?—A. I will, if the committee desire it.

By Mr. CHIPMAN :

Q. You say that your contract requires you to keep your pavement good for three years. that a sufficient time to develop any defects in the pavements ?—A. Yes, sir. Of course, if there is any defect in the pavement it will show it in less time than that. This city and Philadelphia are the only cities that I have ever guaranteed the pavement. If the pavement is laid badly it will show its defects very soon ; so that three years is a longer time than is necessary.

By Mr. COOMBS :

Q. The Nicholson, as well as the Degolyer, is laid upon a board foundation ?—A. Yes, sir.

Q. How were the other pavements that were named by you laid ?—A. Some of them have a board strip beneath them, and some do not. I lay a strip under mine.

Q. You have patented yours ?—A. Yes, sir.

Q. Is that a board foundation ?—A. We can use it with or without.

Q. Does pavement with a board foundation cost considerably more than one laid on sand ?—A. Not always. The Stowe pavement requires about the same as the Nicholson and the Degolyer. The timber will cost about the same per yard any how.

Q. What is your opinion as to the quality of the pavement where the blocks are set on a sand foundation ?—A. That depends on the shape of the block. It must be so laid that the bottom must be close together.

Q. Then you do not think there is much difference in the cost whether there is a floor or not ?—A. There is in some pavements. If you do not have a floor, you must put the blocks near together, so that the same amount of lumber will be required in either case.

Q. What is your opinion of the Samuel process of preserving the wood ?—A. From what I have heard, I have formed a favorable opinion of it.

Q. The two sections that you condemn on Pennsylvania avenue are the Robbins and the Follansbee pavement, are they ?—A. Yes, sir.

Q. The Follansbee is a very trifling pavement, is it ?—A. I think so. It is the only one of the kind that I ever saw. It was laid in December, and in April the mud came up through it.

Q. Under what patent did you lay pavement in New York ?—A. The Nicholson, and some of the Degolyer.

Q. How much did you have to pay to outside parties, official or otherwise, for getting the contract ?—A. I did not pay anything ; where any parties did they always charged up on the pavement, and get for some of it \$5 50. It is my impression that it costs about 75 cents a yard to get a contract through, but I never paid any.

Q. Does it cost anything here ?—A. It did not cost me anything. If a man paid here he would have to pay it out of his own pocket and get nothing back.

Q. Have you known any pavements to last ten or twelve years and remain good ?—A. I have known a pavement in Chicago put down more than ten years ago. Lake street was laid over after being down nine years. The blocks were considerably worn down, but they appeared to wear smoothly, needing some repairs during the last two or three years, I believe.

By Mr. CREBBS :

Q. What is your contract for paving here ?—A. I believe it is \$3 25.

Q. Do you know the price of material ?—A. I brought it from New York. The contract here was let to some one else ; but the board of public works were so anxious to have it done that I agreed to try to do it.

Q. As I understand you, you have given the cost at \$1 92 for the material ?—A. Yes, sir ; \$3 was the price.

Q. Do you do the grading ?—A. The figures that I put down there are just what I paid for the paving of that street, with cash.

Q. If you burnetized the wood it would cost you, then, about \$3 42 ?—A. Yes, sir. I bought my material last fall, and got it cheaper than the present market price ; you cannot get it at that price now.

WASHINGTON, D. C., April 4, 1872.

L. S. FILBERT duly sworn and examined.

By Mr. CHANDLER :

Question. Where do you reside ?—Answer. In Philadelphia.

Q. What is your connection with concrete pavements ?—A. I am interested in this work on New York avenue ; I have the contract.

Q. Under what patent is it being laid ?—A. Under my own.

Q. What is your process ?—A. There is no difference from some of the other patents for concrete, except for vulcanizing.

Q. What is that ?—A. It is done by sulphur, the same as gutta-percha is vulcanized.

Q. Give the peculiar idea of your process in the application of sulphur.—A. The effect of the sulphur is to harden the pavement; we use a composition, a distillation, the same as from coal-tar. The lighter oils are distilled.

Q. What is the base of your pavement?—A. Broken stone, gravel, and sand.

Q. State the circumstances under which you laid the New York avenue pavement, and the cause for the defects?—A. There were several causes for the defects. In the first place, I was not here, and could not superintend all the time, and the parties in charge did not understand it thoroughly. In the next place, our material was imperfect. We could not get proper asphalt, and it was laid very late in the season—the most of it in December, and the result was that a part of it was imperfect, which I am obliged to repair and make good, according to the contract. There are some few places where it has disintegrated. These places I am bound to make good, and I am able and willing to do it.

Q. State what has been the cost per yard of the pavement that you are laying.—A. It has cost us more than \$3, owing to the bad weather. We did not have two good days in succession at any time. The grading was very troublesome; there were a great many old sewers which had to be taken out, and many places filled up to get a good foundation.

Q. Do you believe that pavement will last, if properly constructed?—A. I have laid it for three years in Philadelphia, and it has lasted perfectly. I have had a pavement down four years on Coates street, subjected to the ordinary travel we have in Philadelphia. I have some laid in Fairmount Park three years, and it has given perfect satisfaction.

By Mr. COOMBS:

Q. Was there anything but light travel there?—A. There have been some heavy teams drawn over some part of it.

Q. Is the Metropolitan Asphalt Company interested in your contract on New York avenue?—A. No, sir.

Q. Has Mr. Clephane any interest in your contract on New York avenue?—A. He has.

Q. Has Mr. Kilbourn?—A. He has.

Q. They are prominent members of the Metropolitan Asphalt Company?—A. I think Mr. Clephane is a member. I do not know about Mr. Kilbourn. But the company has no interest in any contract for concrete pavement.

Q. Who laid the G street pavement back of the Patent Office?—A. I believe Mr. Clephane.

Q. How long was New York avenue obstructed so that it was impassable, or nearly impassable?—A. So far as the paving part was concerned it was not obstructed more than a week, to my knowledge; but in putting down sewers and the gas pipes, it was obstructed some time. I do not know how long.

Q. Is there a shed on the lower part of that street; and, if so, what company put it up?—A. That was put up by Mr. Clephane and myself.

Q. Is not that an obstruction to the street?—A. It is on that side, but not on the other side.

Q. You use distilled tar?—A. I use distilled tar for a certain part, and a certain part of asphalt.

Q. Where do you buy it?—A. Some at the work here and some at Philadelphia.

Q. At what price?—A. I think at \$2 80 per barrel.

Q. What is the price of undistilled tar?—A. Nearly the same.

Q. In distilling tar they get certain oils, do they not, which pays for the process?—A. Yes, sir; in part. We use the residuum.

Q. Do you think that the use of the heavy oils, or green oils as they are called, would be an improvement?—A. I do not think so.

By Mr. CREBS:

Q. Do you use broken stone for the road-bed?—A. Yes, sir; anything to make a proper bed. I would as soon have 2 inches as 6 inches. We generally put 5 inches above that.

By Mr. STARKWEATHER:

Q. If you make a perfect job, how long do you think your pavement will last, so as to be a good pavement?—A. I have had one in use four years, and it has given perfect satisfaction. I believe, if laid as I have laid some in Philadelphia, it will last from fifteen totwenty years.

WASHINGTON, D. C., April 4, 1872.

JOHN O. EVANS duly sworn and examined.

By Mr. CHANDLER:

Question. Where do you reside?—A. Answer. In Washington.

Q. Were you the contractor for the pavement in front of the President's House on Pennsylvania avenue?—A. Yes, sir; it is laid under the Scharf patent.

Q. Describe briefly the manner of laying that pavement?—A. There is a base of stone

first, 5 or 6 inches thick, which is rolled, (it is broken stone,) and that is coated with bitumen and thoroughly rolled with two or three different sized rollers, the first weighing about 4 tons, and the next a steam roller weighing 15 tons; then upon that there is a course of stone that is finer, from 2 to 2½ inches, which will pass through a ¾-inch screen; that is heated and dried thoroughly and mixed with bitumen and asphalt, and put upon the street and rolled with a light roller enough to pack it thoroughly. The next course, which we call the topping, is stone-dust, sand, and very fine gravel, which will pass through a ¼-inch screen. This coat is 1½ to 2½ inches thick, enough to level the top, so that the whole depth of the pavement from the earth to the top will average about 8 inches after it is rolled. About 10 inches of material are put down.

Q. What is the compound of bitumen that you use?—A. It is from distilled coal-tar: it is distilled at a temperature of about 270°, for the purpose of removing the lighter oils, which, if left in the coal-tar, evaporate rapidly and create a vacuum, which allows the water to enter and disintegrate it in frosty weather. I do not know exactly what the heavier oils that remain in the coal-tar are. We use the Trinidad and Cuban asphalt. I think the Trinidad is considered the best, although the Cuban is more expensive. The circumstances of laying the pavement were briefly these: We were very much hurried; the work was commenced late, I think, in October, and the first work was necessarily slow. The principal part of the work was done when it was not a proper time. But they were anxious to have the street covered with something; and we did not succeed at first in getting first-class material, and we had to supply ourselves with such as we could get. The portion on the south side of the railway track was inferior gravel, though the bitumen and asphalt were good. The defects on the south-side arose principally from bad superintendence of the mixing; it was heated too much, and thus made too brittle. As soon as I discovered it I discharged the man in charge of that work, and placed another there. The man discharged was a Mr. Abrahams. Mr. Scharf told me at the time about it, so that I have been aware of the defects from the first, and calculate to have them repaired by relaying that portion. I am bound to do that under the contract.

Q. If you have no objection, you may state what is the actual cost of laying such pavement?—A. It has been about \$2.60 a yard for the work already laid.

Q. What other pavement have you laid in this city?—A. I have furnished the lumber for some wood pavement. I have laid no other concrete.

Q. State what the fact was about laying this concrete pavement on the old cobble-stone?—A. They had to be taken up and carted off and broken up, and then brought back and put in as a sub-base. The ground was very soft and we used them as a sub-base, rolling them down. We do not use these for the upper stratum. We get angular stone for that from the quarries. The cobble-stone present too many round surfaces. I don't think the old cobble-stone were of any particular advantage to us; it did not operate as a saving, except to fill up the deeper places, and it helped us when we could not readily get other material. I think the carting off, breaking, and carting back were quite as much as the expense of procuring stone from the quarries would have been.

By Mr. COOMBS:

Q. How far does your contract on Pennsylvania avenue extend?—A. From New York avenue to Seventeenth street, and New York avenue to H street.

Q. Is the Metropolitan Paving Company interested in your contract?—A. Not at all.

Q. Where do you get bitumen?—A. Of the Baltimore Coal-Tar Manufacturing Company.

Q. You do not refine it yourself?—A. No, sir.

Q. Is it what is called pitch?—A. No, sir.

Q. In what respect does it differ?—A. In the manner of distillation. I cannot explain. I only know that it is distilled in an approved manner. It is distilled at 270°, and certain products obtained by the process are saved.

Q. Which is the more expensive, the distilled tar or the crude tar?—A. I think the distilled tar; but I do not know how much.

Q. Do you use any gasoline or any clay in yours?—A. No, sir; I use hydraulic cement; but I do not know the proportion. I have nothing to do with the mixing. I employ men for that who are supposed to be experts.

Q. Do you lay your pavement at all in accordance with Scharf's patent?—A. I think so.

Q. You say that hauling the cobble-stone away and bringing them back will cost as much as to procure new stone?—A. I think so.

Q. Why cannot you break the cobble-stone with the crushers?—A. I can; but it costs more. I get the stone from boats delivered at the crusher. It costs about 75 cents a yard to haul the stone from Seventeenth to the foot of K street, where the crusher is located.

Q. Could you not locate the crusher at a nearer place?—A. No, sir; the board of health condemned them, and I had to remove them.

Q. Did you break the cobble-stone put in the foundation?—A. Yes; except those put in to fill up holes where sewers had been put in, or other holes.

Q. Are the lower stones coated with bitumen before they are laid?—A. No; they are coated on the ground. The second course is coated before it is put down. We calculated to compact that thoroughly by rolling. The stone is rolled under a fifteen-ton roller.

Q. This then is dry stone?—A. Yes, sir; the sub-foundation is dry.

Q. What thickness do you put on the top dressing?—A. There are two courses. They are about two inches in thickness.

Q. Are you willing to have that top course cut through and measured?—A. I am willing to have anything done with it that you please. Some of it will be found more, and some less than I have named. I think that an average, if taken up, will be about eight inches. Of course, where the ground is soft it will press into the clay and will be thicker.

Q. You think the north side of the track in front of the President's House is a perfect job?—A. Not as good as could be.

Q. Was that put down later in the season than the other?—A. Yes, sir. On the other side the failure of the top course was owing to the carelessness in heating it.

Q. Are you not taking up the cobble-stones on Eighteenth street?—A. No, sir; I started to do it, but the board of public works stopped me. That was done through a mistake.

By Mr. CREBS:

Q. You state that your pavement is the Scharf patent, and you have laid it, in your judgment, according to his patent?—A. I think so. The mixing I don't superintend myself. I got two men who had been employed by the Scharf Company in New York for several years—I found one of them incompetent, however. The others have been satisfactory—good men.

Q. Doesn't his patent require that the first course of stone shall be mixed with this preparation before it is put down?—A. No, sir, not before; simply that it shall be mixed. It is generally mixed on the street.

Q. Do you roll the ground before laying the first course?—A. Yes, sir; a great deal, with a heavy roller. The binding course is mixed hot.

Q. I think the specification says broken stone or indestructible materials are mixed with this when hot; you put the stone down and then put the bitumen over it?—A. Yes, sir; for the sub-base. The bitumen is put on hot, but the stones are not heated.

Q. How much asphalt do you use to the square yard?—A. I do not know.

Q. Can you state how much asphalt you have purchased?—A. I cannot recollect.

Q. Do you add carbonate of lime or hydraulic cement hot before you put it down?—A. Yes, sir.

Q. Do you put on four inches of this?—A. Yes, sir; we put on hydraulic cement simply for coloring and filling the cells that are not previously thoroughly filled.

Q. Parisen said that if this were just poured over the stones there will be places not touched by the bitumen; how is that?—A. I would not take what Parisen says for everything. Probably what Parisen knows he learned from Scharf.

Q. Are there any places that will not be touched?—A. I presume there are some.

Q. What is the purpose of this bitumen?—A. It is to make a binding for the stone which gets cool soon; but when the binding course is put on hot the lower course is also heated up and the two courses adhere to each other.

Q. How many times do you sprinkle it?—A. It is usual to sprinkle and roll, and then to sprinkle and roll it a second time.

Q. Do you put on enough to fill all the interstices?—A. I do not know that we do. We put on what Mr. Scharf considers necessary.

Q. Does he superintend it?—A. Yes; every day. The pavement proper, when laid, consists of four or five inches on the top. I think that the four or five inches solid, even if laid upon the earth, will make a good pavement; but if the stuff is burned it will break out, no matter how thick the lower part is.

Q. Then would not it be as well to have the lower base three inches as to have it six?—A. I think so, if it is made solid enough.

Q. What would be the comparative cost of laying this stone, mixing it well, and putting it down so that all the cubes of the stone would be covered by it?—A. I suppose ten or fifteen cents a yard would cover the cost. The difference would be in handling stone a little more. We would have no more rolling in that case than we do now.

Q. Did you ever notice the pavement put down by Parisen?—A. I think so; I never noticed it particularly.

Q. You have seen that at the Arlington?—A. I have never been over his work.

By Mr. COOMBS:

Q. Did you lay that pavement on G street, back of the Patent Office?—A. No, sir; I think Mr. Clephane did it. I was not interested in it.

Q. You say the board of public works gave you the cobble-stones?—A. They gave the material that I removed.

Q. Is there not a demand for cobble-stones?—A. I do not know of any.

Q. Could you not have sold them for \$1.25 a load?—A. I do not think so. I would have been glad to do so if I could have replaced them.

Q. How many loads did you take up?—A. I really do not know. I do not think I could have sold them for anything of any consequence. I would have been very glad to do so.

Q. Who made the wood pavement on Seventh street?—A. Mr. Linville.

Q. Were you interested with him?—A. I furnished the timber.

Q. What kind of pavement does that appear to be?—A. I think it is very good. It was laid too soon after the sewers were dug.

Q. Is not that true generally of the pavements here—that they are laid at a bad time of the year?—A. I think it would have been better to have deferred till spring.

Q. How long was Seventh street kept impassable by that improvement?—A. I do not recollect precisely; I think about three months.

Q. Please state what contracts you have besides this.—A. I think I have none except that on Pennsylvania avenue between Fifteenth and Seventeenth streets, and the canal. But the canal contract was made under the old canal commission.

Q. Is that work on the canal done according to contract?—A. I think it is, though it is done better in many respects.

Q. Did not the contract require that the wood should be under low water all the time?—A. No, sir; it was understood that the timber was to be put down at low tide. The tides vary very much. Sometimes they will be for three months together much lower, lower by a foot, than at others. It is generally supposed that low tide means mean low tide.

Q. Does the contract require that the timber should be down to the mean low tide?—A. I think likely. I know the wood shows at certain stages of the tide, when it is unusually low. I think the design is to have the foundation thoroughly wet, and the water does keep them wet thoroughly all the time.

By Mr. CHIPMAN:

Q. Have you a clause in your concrete contract requiring you to keep the pavement in repair for three years?—A. Yes, sir.

Q. If the pavement is defective will that defect develop itself in that time?—A. Yes, sir; it will in six months, I think.

Q. The defect in your present pavement has done this already?—A. Yes, sir. I was advised at the time it was laid that it was defective; that the men were overheating it.

Q. If the pavement is a good one it will exhibit no defects within that time?—A. No, sir.

WASHINGTON, D. C., April 4, 1872.

FRANCIS JEWELL sworn and examined.

By Mr. CHANDLER:

Question. Where do you reside and what is your employment?—Answer. I reside in Washington and am general superintendent of the asphalt company.

Q. What connection have you had in laying the pavement between Fifteenth and Seventeenth streets on Pennsylvania avenue?—A. I supplied the material, and had a general oversight of the whole work.

Q. Who was with you?—A. There were two superintendents, Samuel and George Scharf. There were two at the mixing-works, George Woodward and a Mr. Abrahams. Mr. Abrahams was discharged pretty soon after the commencement of the work, and John Grant took his place.

Q. What experience have you had in laying concrete pavement?—A. Nothing but what has been done here.

Q. State the cause of the defects in this pavement on Pennsylvania avenue.—A. They were from the want of caution in preparing material, together with some poor material used—some of the sand and gravel.

Q. Where was that laid down?—A. It was that portion just broken up in front of the White House, on the south side of Pennsylvania avenue. That was owing to the use of poor material and inattention in mixing them. I was aware of it at the time, and advised the company to make a change at the mixing-works, and they did so. Afterwards we had no trouble.

Q. Was the work in other respects well done?—A. Yes, sir.

Q. Describe the thickness of the successive courses.—A. The base course would average about six inches; the other two courses about two inches each, sometimes a little more.

Q. Have you taken up any specimens of the work?—A. I have repaired the places referred to, under this portion that I have referred to as being badly laid. After we made the change at the mixing-works we got on better and a more uniform quality of material was used.

Q. And the breaks, as you understand them, were all in this space covered with this inferior material.—A. Yes. I have been over the whole a great many times.

By Mr. COOMBS:

Q. Are those broken stones that form the lower base cemented together?—A. Yes, sir; by bitumen poured on while hot.

Q. Do you pour on enough to run down and fill the interstices?—A. Yes, sir; we did.

Q. What asphalt company are you superintendent of?—A. The Washington.

Q. Who is the president of it?—A. John O. Evans.

Q. Do they work under any other patent than the Scharf patent?—A. I think not.

Q. Do you know what these cobble-stones could have been sold for?—A. There was no market for them.

Q. Do you know what they paid for the stones delivered at the crushing-works?—A. One dollar per cubic yard. This would be about three average cart-loads.

Q. Last fall, when you were faking up this cobble-stone pavement, was there not a ready demand for cobble-stones at \$1.25 a load?—A. I think not.

Q. Were they not used extensively in laying gutters?—A. I have not seen them the last season.

Q. Did you drag off the cobble-stones?—A. Yes, sir; except where we filled the holes with them; a good share of them were used in that way.

Q. What proportion of asphalt did you use with the coal-tar?—A. I think about one-sixth; I am not positive.

Q. Did you superintend the mixing?—A. I had a general superintendence; was about the works every day.

Q. Are Samuel Scharf and John Grant interested in this contract?—A. No, sir; Mr. Grant is not.

By Mr. CREBS:

Q. You superintend the work; did you superintend the mixing of the material?—A. Mr. Abrahams was the real superintendent, but I knew what he was doing.

Q. Can you state how the asphalt and bitumen were mixed—in what proportions?—A. I cannot state exactly. It depends somewhat on the quality of the material.

Q. How is the distilled coal-tar brought here?—A. In barrels. It is quite hard, and we knock off the staves to get it out.

Q. I see that according to this patent 20 gallons of the coal-tar are to be mixed with 10 pounds of the asphalt. Did you say that the pavement was made according to that patent?

A. I was not at the work all the time. I always inquired about that.

Q. Did you use any hydraulic-cement in it?—A. Yes, sir; it was put into the top coating.

Q. How did you prepare the ground at first?—A. It was graded and rolled, and the holes were filled up so as to make it solid.

Q. Did you put down the cobble-stone before you used the broken stone?—A. In some places we had to take out more earth than was necessary, except for the purpose of getting to a solid foundation, and the cobble-stones were put in to fill up these places.

Q. Which is better, the cobble-stones or broken stones?—A. The broken stone.

Q. What was the size of the cube generally used for the base?—A. About two inches.

Q. If you were to break the cobble-stones which would be best?—A. If broken, there would be no difference of any consequence.

Q. What makes the angular surface better?—A. It binds together better with the bitumen.

Q. What is the use of the composition you put over it?—A. It is to make the next coating adhere to the first.

Q. Then, it is not to make the stones of the first layer adherent to each other.—A. No, sir; not wholly. It does a double duty. It causes them to adhere together and the lower course to adhere to the next above it.

WASHINGTON, D. C., April 4, 1872.

SAMUEL R. SCHARF sworn and examined.

By Mr. CHANDLER:

Question. Where do you reside, and what is your employment?—Answer. I reside in Washington, and I am laying concrete pavement.

Q. How long have you been in the business of laying concrete pavements?—A. Since the summer of 1867.

Q. When did you obtain your first patent?—A. In the spring of 1869.

Q. Are you engaged with Mr. John O. Evans in laying the concrete pavement between Fifteenth and Seventeenth streets?—A. I have been employed to take charge of a certain part of the work.

Q. What knowledge did you have of the work as it went on?—A. I prepared the foundation to receive the pavement. I did not see the mixing of the materials; but I saw the whole work from time to time until it was completed.

Q. State what was the reason for the defect in the pavement on the south side of the railroad track opposite the President's house.—A. Immediately in front of the President's house we had some sand which contained a certain amount of clay or lime; but the defect was principally on account of the extreme heat, which destroyed the bitumen. This was done through the ignorance or carelessness of the men who had charge of it.

Q. You state the reason, then, substantially as Mr. Evans?—A. Yes, sir.

Q. Was that pavement laid substantially in accordance with your patent?—A. It was in all except being heated too much.

Q. Was it your intention to have it laid under your patent?—A. Yes, sir.

Q. If laid properly, it would have been a pavement contracted under your patent?—A. Yes, sir.

By Mr. COOMBS:

Q. Does the board of public works have a superintendent of their own, under pay, to oversee the work?—A. They have beyond Seventeenth street. I do not know if they have anywhere else.

Q. You say the intention was to lay the pavement according to your patent. Doesn't that require that the broken stone forming the base shall be mixed up with the composition before it is put down?—A. No, sir. I do not think it does, I did not intend it so.

Q. I will read this sentence or clause: "Broken stones, or other suitable indestructible materials, are wet with this mixture while hot, and this layer of from four to seven inches put down and rolled with a roller weighing about one ton." Is that the lower course?—A. Yes, sir.

Q. Doesn't that plainly describe that they are to be wet with the mixture before they are laid down?—A. I do not think it does. It is before they are rolled. My patent consists more particularly in the proportion of the bitumen and the proportion of the asphalt and carbonate of lime. The mixing spoken of applies more particularly to the two upper courses.

Q. Do you heat the stones of the second course before you mix it?—A. Yes, sir.

Q. Do you pour in enough of this cement to fill up the interstices of that lower bed?—A. No, sir; I would not do it, for if it were done some of it would come up through the top.

Q. Why do not you do it?—A. It would work up through to the surface. That pavement in front of the Arlington the composition boiled up through and was a great deal complained of. I made a similar pavement in front of the city hall in New York, and I had the same trouble about it by putting on too much.

Q. Isn't that pavement in front of the Arlington perfect?—A. Yes, sir; as perfect as it was a month after it was laid down. I mixed every foot of that that went down there.

Q. Is it not done according to Parisen's patent?—A. No, sir; he did not have a patent until last spring.

Q. Did not he claim to be the inventor?—A. No, sir.

By Mr. CHIPMAN:

Q. What relation had Parisen to you?—A. He was a superintendent of a company, and, as such superintendent, he came here in a similar capacity. He had had only one year's experience at that time.

By Mr. COOMBS:

Q. Do you think it was laid under your patent?—A. Yes, sir.

Q. Was not the lower course of stone mixed before being laid down?—A. Yes.

Q. Then, differs from the one which you are now laying?—A. Not a great deal.

By Mr. CHIPMAN:

Q. Do you regard it as essential?—No, sir. All that we require is a firm foundation.

By Mr. COOMBS:

Q. What do you pay for your distilled coal-tar?—A. We have paid as high as 12 cents a gallon. I generally pay \$3.50 a barrel of 40 gallons. I did buy some that was used in the Arlington for which I gave \$1.50 a barrel, but that was the only case in which we ever got any less than \$3.50. For bitumen, in New York, I paid \$5.

By the CHAIRMAN:

Q. As I understand, the only difference between the pavement laid in front of the Arlington and that which you are now laying is that the pavement in front of the Arlington had its first course covered with this composition, and the other is simply sprinkled over and rolled on the top.—A. The other courses were designed to be the same. The work on the avenue is slightly different, but I regard it better from the fact that there is more material on the top.

Q. So that, but for the want of attention on the part of the men in charge of the pavements, you think the work would have been as good as the other.—A. Yes, sir. On the north side of the street it is better. It is more solid, and has more bitumen to the square yard. On the south side there was too great heat applied and destroyed the life of the bitumen. If heated above a certain point it becomes worthless. It is brittle and soon breaks away. I occupied the same position in the laying of the pavement in front of the Arlington that Abrahams did upon the avenue; that is, I took charge of the mixing.

Q. Mr. Parisen, as I understand, took charge of the grading and you of the mixing of that at the Arlington?—Yes, sir. I mixed the asphalt with the bitumen, and then that mixture with gravel, and I was engaged especially for that purpose, because we did not feel Mr. Parisen had had sufficient experience to make the job a success.

WASHINGTON, D. C., April 5, 1872.

BENJAMIN R. NICKERSON sworn and examined.

To the CHAIRMAN:

I reside in Chicago, Illinois. I am part-owner and agent of the wood-ironizing company. We have two establishments in Chicago, erected some three years since, which we are using for treating lumber for street pavements, and other purposes. We have treated, during the last two years, about twelve million feet of lumber, which has been laid in the streets of Chicago by various contractors. Degolyer and McClelland are the principal contractors for laying it. Our process is the Samuels patent.

By Mr. ELDRIDGE:

Question. Have you laid pavements in this city?—Answer. No, sir; we were bidders here; but they cut up the work so that we could not afford to bring our machinery here. The patent was first introduced in San Francisco, and was applied to several street pavements there some six years ago. It is acknowledged by all parties as being the best pavement ever laid in that city. It is laid on Vallejo street, over which all the heavy stone is drawn to make the bulk heads. It is more thoroughly used by heavy teams and more of them than any street in any city in the country, and the pavement exhibits no signs of decay or wear to any considerable extent. It has been laid five years.

Q. Is that the street that is built over where the water used to run?—A. Yes; the street is entirely made. We have no contracts here. We were bidders for a contract to pave the streets here. We have a bid in for the purpose of treating wood. We treat the wood for all varieties of wood pavement.

By the CHAIRMAN:

Q. How long will good wood, properly laid, with your treatment, last on a well-traveled street?—A. As the patent is only six years old, the question of durability is undoubtedly a matter of opinion. I hold that a wood pavement, laid with ordinary pine, (which is, perhaps, as good as anything,) of good material, green timber, will not last, on an average, beyond eight years, and I think the average is less than that. I am now speaking from my own experience of wood pavement, with wood untreated.

By Mr. ELDRIDGE:

Q. Is that the case in Chicago?—A. Yes.

Q. Does not wood pavement there last over eight years?—A. No, sir; there is not one wood pavement in Chicago that has remained eight years.

Q. How long is the wood pavement down on Wabash avenue?—A. I do not know how long. Clark street pavement is the oldest; and Clark street is the only street that has been paved for eight years where the pavement has not been relaid. The pavement on Clark street has been laid eleven years; but it has been in a state of utter dilapidation more than three years. It is not fit to use, and has not been for three years. It is now taken up, and the street is almost impassable. I mean particularly that portion past the court-house. It has not been a good street there for three years; and the only reason why the pavement has not been relaid is because the property is owned in such a manner, or portions of it, that the taxes cannot be collected. We take from the timber, before we introduce any material, all the soluble portion of the timber, all the sap, by steam, so that it is a perfectly seasoned lot. This we regard as the strong point gained. We consider it as important to take from the timber its fermenting substance as the material that we put into it. When it has been all abstracted by steam (which takes about an hour) we introduce sulphate of iron by hydraulic pressure, using one hundred and fifty to one hundred and eighty pounds to the square inch, which drives the material through every fiber of the wood. After we introduce the iron, driving it through the entire wood, then we abstract the water, which goes in with the iron. We evaporize the water and then introduce a solution of lime by the same process of pressure that we use in introducing the iron, which fills the pores entirely, makes the block impervious to water, solidifies it, and renders its power of resistance to friction vastly greater. There is no such thing as the rotting of a paving-block that has been thus treated. If you take a sound block and treat it in this manner it will never rot.

By Mr. CREBS:

Q. With this process how long will a pavement wear?—A. I have no question that a street pavement properly laid, when the lumber has been treated by this process, will last three times as long as a pavement equally well laid with green timber, and covered or saturated with tar or any pitchy substance commonly used.

Q. What will it cost per 1,000 feet?—A. We offer to treat lumber for 35 cents a square yard. We treat it in Chicago for \$6.50 per 1,000 feet.

Q. When you put down wood that is prepared in this way do you use any tar with it?—A. No, sir; they use tar to amalgamate and solidify the gravel. What they use between the blocks is unquestionably, for the time being, beneficial to the pavement, but is in no sense beneficial to the wood. All the tar that you put upon a green block is that much damage.

It prevents the escape of its fermenting material, and makes dry-rot necessary. There is nothing in the timber, after our treatment, to ferment.

Q. How do you put yours down?—A. We use gravel under the blocks. I hold that no pavement in the world is good for anything that has not a good foundation. When you have got that, in my judgment, it does not make so much difference what it is composed of.

Q. Do you put plank at the bottom?—A. I would put plank down if I was not able to get a good foundation otherwise. Plank is of no advantage except to make an even floor, and to assist in packing the foundation even. In Chicago, for instance, where the streets are generally filled with mud and slush, the use of plank is almost indispensable; but here, and elsewhere, where there is an opportunity to have a good foundation, I would never use plank at all.

Q. Is solid clay a good foundation?—A. If it is solid and uniform it is a pretty good foundation, but the difficulty is to make it uniform. Everybody understands that any pavement must have a uniform and solid foundation, or else it is not good for anything.

Q. In putting your gravel between blocks, after you prepare them as you do, do you put tar over the gravel?—A. No, sir; we pour tar on one class of pavement, on the top of it, simply to solidify the gravel itself. But if you take gravel and drive it sufficiently hard, tar is entirely unnecessary, particularly if you have a kind of gravel which we call self-cementing gravel. It forms a cement of itself. But if you have not that, then you require some pitchy substance to give it more solidity. It does not assist in any sense the preservation of the timber. On the contrary, if it has any effect, it is injurious. It is destructive to green timber.

By Mr. ROOSEVELT:

Q. Have you laid this pavement anywhere that it has stood?—A. We have laid it in San Francisco, and we have laid it in Chicago, on a large scale.

Q. Nowhere else?—A. Nowhere else. We bid for the Pennsylvania avenue pavement; but they cut it up into four pieces, and then we did not want it. We laid it on Vallejo street, in San Francisco, five years ago, and it is there yet. There is no better pavement in Chicago, or anywhere else, than in Vallejo street.

Q. Can you explain the fact why pavement that will stand in Chicago and San Francisco will not stand in New York for a single year?—A. Yes, sir; one of the great difficulties with respect to wood pavement is that a man who gets a contract to pave a street gets it at a low price, perhaps, and then goes to work and gets material that is utterly unfit, because he can buy it at a cheaper rate. He will get timber that has lost its vitality, dry timber, and will lay it because he can get it cheaper. The consequence is that it will rot at an early day. Wood pavement is good for nothing unless it is laid of good material. Furthermore, there is an exaggerated idea about the durability of the ordinary wood pavement. The prevailing idea is that wood pavement will last from eleven to twelve years. It will not do anything of the kind; and ordinary wood pavement, on a thoroughly traveled street, for instance, on Pennsylvania avenue, if it lasts eight years without thorough repair it is the fullest extent that you can depend upon.

[Witness here read a paragraph from the San Francisco Bulletin in commendation of the Vallejo street pavement.]

By Mr. CHANDLER:

Q. You came here because of the statement of Mr. Taylor that he heard of wood treated by this process which rotted a year quicker than wood not treated?—A. Yes.

Q. What do you understand about that?—A. A remark of that kind, coming from an intelligent man to a board of intelligent men, would be very singular to me. He said that he did not state that, of his own knowledge, but that somebody told him so. I know that it is not so. I admit that Mr. Stowe, when he was fighting us, (but he is not fighting us now, for he is willing to have his wood treated,) brought two blocks here which he said had been treated by our process, and which were half rotten. I saw the two blocks, and they were half rotten; and they were unquestionably rotten before they came from the process.

By Mr. COOMBS:

Q. Did you ever test those blocks to see whether they had been treated?—A. Yes; I treated them in every conceivable way, and could not find a trace of iron in them. The test was made in your office. My judgment is that they were never in our process at all. I think that the outside surface had been dipped into the ironizing material.

Q. How did you test them?—A. By putting a little acid upon the block you will immediately discover the presence of iron in every fiber of the wood.

Q. A touch of prussian potash turns it blue?—A. In one moment. These rotten blocks were brought here for the purpose of argument. I do not doubt that somebody told Mr. Taylor that they had been through our process. I am only disputing the fact.

WASHINGTON, D. C., April 5, 1872.

A. B. MULLETT sworn and examined.

By Mr. CHANDLER:

Question. You are the Supervising Architect of the Treasury Department, and a member of the board of public works?—Answer. Yes.

Q. You are the responsible engineer of the board?—A. Yes.

Q. State whether you, in connection with the board, adopted the present plan for the improvements in the District?—A. Principally.

Q. Who also participated as engineer in the general outline?—A. General Green, while he was in charge, with my assistance, of course.

Q. State generally what was the plan adopted by the board for the improvement of the District, considered with reference to the four-million appropriation.—A. The first thing taken into consideration was to provide a thorough plan of sewerage, not only for the present, but for the future of the city. In the second place, it was to establish a uniform and definite system of drainage. The third was to improve the city in the way of parking and beautifying.

Q. State with reference to the sewerage of the city what has been and is the plan of the board.—A. The plans for the sewerage of the city are not completed. The general outlines are determined upon, but not the details. The principal sewer of the city will, of course, be the Tiber sewer; the next in importance will be the Slash Run sewer; the others will be minor sewers.

Q. Is it not the object of the board to relieve Tiber Creek from the flow of water which formerly ran into it?—A. The general plan will be to relieve the Tiber Creek valley of all the sewerage that can be diverted from it. A portion of the sewerage that at present enters Tiber valley will be carried into Slash Run. Another sewer will be carried to the Eastern Branch, and will relieve the branch that enters near the toll-gate. Slash Run empties into Rock Creek.

Q. About the closing of the canal. A sewer parallel with the canal is to be built. Is it or not the intention of the board to make that sewer sufficient by relieving it of the former drainage; and, if so, how is that to be done?—A. A great portion of the sewerage now carried down Fourteenth street will be carried into Slash Run. There is no difficulty about intercepting the sewerage from the canal.

Q. State your opinion as to the plans of the board with reference to the Tiber Creek and the flow of water diverted by other sewers, and as to the capacity of the Tiber Creek sewer for carrying off all the water that could flow into it.—A. It is of ample size at present, in my opinion, for any floods of which we have any records in this city.

Q. You believe it will prove sufficient for the purpose intended?—A. I have no doubt of it.

Q. State with reference to the construction of this sewer; whether you have examined the work of Messrs. Williams and Bartlett.—A. I have examined this work from time to time as it progressed. I have not been through the sewer.

Q. What is your opinion as to the character of the work and the prices?—A. The character of the work is very good, and I think the price is fair and reasonable. It is a low price rather than a high price.

Q. The work is being well done, so far as you know?—A. I have no objection to it at all.

Q. State what the plan of the board is with reference to the continuation of the Missouri avenue sewer.—A. The Missouri avenue sewer is really completed. It intercepts the sewerage from Sixth street to Third—not taking it from Third; that is taken into a separate sewer. Another sewer will be commenced at Seventh street for the same purpose, and carried along the bank of the canal to Seventeenth street, and there carried out by the bulk-head to deep water.

Q. Is it the intention of the board to make that sewer the same size as the Missouri avenue sewer?—A. I have not made any report on that. It is under investigation at present.

Q. Is it the intention to connect the Missouri avenue sewer with that sewer?—A. I have no such intention. I consider the Missouri avenue sewer terminated at Sixth street. I have not seen General Green's report upon it. The sewer was laid down by him. But I agree with his plans as far as I understand them.

By Mr. ELDRIDGE:

Q. He stated that that sewer was to be continued as far as to Twenty-sixth street into the Potomac.—A. The board afterward made a decision to make it two sewers, so as to keep the sewerage from Sixth street eastward. That is the decision made by the board about it.

Q. That would prevent the sewer from being a tide-water sewer, to be flushed at both ends?—A. Yes, sir.

Q. How do you propose, under this system, to carry off the filth that accumulates?—A. I do not think there will be any difficulty about that; if there is, the sewer can be readily flushed artificially.

Q. Is that part of the plan?—A. Yes, sir.

Q. What would be the means of flushing that sewer?—A. It could be flushed by the use

of the water from the water-pipes: but I do not think myself that there will be any necessity for it.

Q. Is it your belief that, with that provision for flushing the sewers, all the filth of the city will be carried through sewers of that size, and carried out into the Potomac so as not to be deleterious?—A. The smaller the sewer the less trouble in keeping it clean. The object of all engineers, who are experts, is to reduce the sewers to the minimum, while avoiding any unusual risk. A large number of sewers in the city of London have been relaid within the last few years so as to reduce the size, for the purpose of keeping them clean. A sewer of sufficient capacity seldom accumulates any filth; but, in a sewer of unusual capacity, the filth is carried against the sides and readily hardens.

Q. The object is to have the sewer as small as possible?—A. So I understand.

Q. So that when water is turned into it, it moves with a greater force, and the deposit is carried off more readily?—A. That is the theory.

By Mr. HARMER:

Q. Do I understand you to say that you can wash out these sewers from the reservoir, through the 36-inch pipe that they are now laying?—A. Would you not want the 36-inch pipe? We could take any stream of sufficient size and flush the sewer in a few hours; but I do not think it would be needed; I do not think there is any trouble about it.

By Mr. ELDRIDGE:

Q. This Missouri avenue sewer is nearly level?—A. Very nearly. There is comparatively a small amount of solid matter in a sewer, and a small quantity of water is sufficient to carry it out for many years. That sewer, I presume, has as great a fall as any sewer in the city of Chicago to-day, and there is no difficulty experienced there.

Q. Mr. Green told us that that sewer was very nearly level.—A. Yes; and so are the sewers in the city of Chicago.

By Mr. CHANDLER:

Q. And yet, in your judgment, the filth will be all carried out?—A. I have not any doubt about it.

Q. In your opinion, the Slash Run sewer is of adequate size for the purpose intended, and for the character of the work?—A. It is. I think it of sufficient size. I have not felt any doubt about it. The work has been done in a very satisfactory manner.

By Mr. ELDRIDGE:

Q. How is the Slash Run sewer built?—A. It is built with side walls of masonry, and with a semi-circular arch of brick-work turned on the top. The work is very good. I have heard no complaints about it from any one who knew anything about it. I have heard nothing except malicious complaints. I have examined the work as frequently as possible while it was going on. I was absent part of the time, and I was sick part of the time. During that time it was under the special charge of my assistant, Mr. Barney. He was there nearly every day; sometimes three or four times a day.

Q. There has been some complaint made here that that sewer was not well built; that there was bad lime used in it, bad cement, and bad brick?—A. I went there three or four times to examine those complaints, and I found them false.

By Mr. HARMER:

Q. As to the character of the arch that you are building over the Tiber sewer; do you consider that style of arch strong?—A. A semi-circular arch is the strongest arch in the world, and that arch is semi-circular.

By Mr. CHANDLER:

Q. And you understand that arch to be strong enough to bear any quantity of earth that will have to be thrown on it?—A. I think there is no possibility of doubt about it. I do not think that any mechanic would entertain any doubt about the subject.

By Mr. ELDRIDGE:

Q. What is the character of the foundation?—A. It is a very good foundation. A great portion of it is laid on the natural rock.

Q. It was stated here that while it was being built it was so poorly done that it fell down.—A. A portion of the arch was pushed over, through clumsiness in dumping on one side before it was completed. It does not require any knowledge of mechanics to know that if you dump on one side of an arch you will push it over.

Q. It did not fall from any defect in the work?—A. No, sir; if it had been built of solid stone it would have been pushed over.

By Mr. COOMBS:

Q. Is not the Missouri avenue sewer a perfect level?—A. I did not lay it out. General Green laid it out. It is, practically, almost level.

Q. And the additional sewer that is to be built is not to be connected with it?—A. That is not my plan.

Q. Is it to run parallel with it?—A. No, sir; it is to run in the opposite direction.

Q. Where will the eastern end of it connect?—A. The eastern end of the Missouri avenue sewer is already connected with Tiber Creek.

Q. The other sewer that is to be built parallel with the canal, where is that to connect?—A. It is to connect with the sewer at Seventh street. It takes the sewer from Seventh street, and carries it westward. That will be my plan.

Q. What size sewer will be required there?—A. I cannot tell. I do not guess things of that kind. That is a matter of calculation.

Q. You have some idea about what size sewer will be required?—A. I do not do my engineering by guess-work; it is a matter of calculation.

Q. Do you know what area of ground will be drained into that sewer?—A. I do not.

Q. Make an approximate estimate.—A. I do not make approximate estimates. It is a matter of calculation. These calculations are being made now. As soon as the plans are prepared I will be able to tell you definitely.

Q. Have you not already made calculations and reported them?—A. I have not.

Q. Have you not, in a paper that has been presented to this committee and been printed in its proceedings, stated how much ground north of the canal, and how much south of it, will be drained into that sewer?—A. I may have made a general statement of how much ground will be drained, but it has not been distributed.

Q. How much ground did you estimate would be drained by it?—A. That I do not recollect.

Q. It is about 800 acres, is it not?—A. I do not recollect.

Q. In a time of hard rain here, how large a sewer will be required to carry off the drainage of 800 acres?—A. If I have stated 800 acres, and fixed the size of the sewer, you will find it by looking at the report. I cannot give such facts in an off-hand way.

Q. You decline to give any opinion?—A. No; I can make an explanation, and make a report, but I do not answer such questions in an off-hand way.

Q. I am not asking you for literal exactness.—A. You ask me to fix the size of a sewer sufficient to drain 800 acres. I decline to answer such a question. It is not a proper question to ask.

Q. The Missouri avenue sewer is $4\frac{1}{2}$ feet semi-circle in height and depth, and $7\frac{1}{2}$ feet wide, is it not?—A. I do not recollect.

Q. Would a sewer of that size be sufficient to carry off the water that would be drained into the sewer which is to be constructed on the north side of the canal?—A. If I have made a report, as you say I have, you will find out by examining it. I make that report my answer.

Q. You decline to answer the question whether a sewer of that size will carry off the water from 800 acres?—A. You are only repeating the first question, which I declined to answer. There is no difference. I told you that I declined to answer questions without data or notes before me, as to the dimensions of a sewer that would be adequate to drain certain areas.

Q. Have you any idea about what it is going to cost to make a sewer parallel with the canal, from Seventh street to Seventeenth street?—A. A great deal less than it would cost to keep the canal in order, and to keep it clean. If the committee wish estimates I can furnish them; but I do not carry them around in my pocket.

Q. Go to another sewer. You say that there are two lateral sewers to be constructed, to drain the water from Tiber Valley into Rock Creek, in one direction, and into a creek that starts about the toll-gate, in another direction?—A. I am not aware that I said anything of the kind. I said that we should divert some of the water which at present flows into Tiber Creek, into the Slash Run sewer, and that we also proposed to build a sewer to cut off the water by the branch which comes in about the toll-gate.

Q. Where are those lateral sewers to connect with the old channel of the Tiber Creek, or with any sewer to be constructed?—A. I informed you, in answer to the first question, that the plans were not perfected. The plans, in detail, are not perfected. They are now in course of preparation. In order to do that, it is necessary to take the areas of every watershed. That is now being done by General Green.

Q. If you make this lateral sewer to the toll-gate, what will be the length of that sewer?—A. I have never measured it.

Q. Have you no idea how long it will be?—A. I tell you that I do not guess at distances. Any information that you want you can get by asking for it in writing.

Q. About how long will the sewer be to connect with Slash Run?—A. I told you that I do not propose to guess at distances and dimensions.

Q. Which do you think would be the more expensive—to build one large sewer in the old channel of Tiber Creek sufficient to carry off all the water, or to build a small sewer and relieve it by two lateral sewers?—A. Undoubtedly it will be much cheaper to build a small sewer and relieve it by laterals.

Q. If you have a given volume of water to carry off, is it not cheaper to make one sewer large enough for the purpose than to make three sewers?—A. I never knew an engineer to suggest before that the cost of a sewer diminished with its capacity—its cost per ratio. For that reason we are endeavoring to make as many small sewers and as few large ones as

possible. There are two valleys marked out in this District by nature—Tiber Creek and Slash Run—which must be made sewers.

Q. What is your opinion of the practicability of draining off all the water that comes down Tiber Valley in these three different directions at the estimate of \$600,000, set down in the general plan?—A. I do not think there is any doubt about it. I feel no doubt about it at present.

Q. If you continue the Tiber sewer up to Boundary street, as is laid down in that plan, according to the present rate that it is costing, will it not cost more than \$600,000?—A. I did not inform you that it was going to be carried at its present capacity to Boundary street.

Q. Well, of sufficient capacity to carry off the water.—A. I see no reason to doubt that the estimate will be sufficient.

Q. I see, in the report signed by you and printed in the proceedings of this committee, that there are 2,500 acres in the county and 1,200 odd in the city to be drained into Tiber Valley; according to this report more than two-thirds of the water that comes down the valley will enter the sewer (supposing there is but one sewer) at Boundary street.—A. It does not enter in one volume, though.

Q. But supposing it should?—A. I cannot suppose such a case. I think it is an impossibility. The original plan never contemplated anything of that kind.

Mr. COOMBS. Except one branch going off to St. Patrick's burying-ground.

The WITNESS. Have you seen any original plan for such a purpose?

Mr. COOMBS. I have seen the report.

The WITNESS. I have never seen such a plan myself. It seems impossible for you to understand that an engineer, in speaking of a sewer, speaks of a system of sewers, and you seem to think it is one pipe.

Mr. COOMBS. I submit to the committee whether I am to be lectured by this witness. I have had no answer from him except an impertinent answer.

The ACTING CHAIRMAN, (Mr. Eldridge.) (To witness.) It is your duty to answer the questions.

The WITNESS. I find it impossible to answer the questions. I have tried to answer them fairly.

Mr. COOMBS, (to witness.) What I want to get at is whether, in your original plan as reported to the legislature and incorporated in the four-million act, there is any sewer mentioned but a sewer in the valley of the Tiber Creek, with a lateral branch to old St. Patrick's burying-ground, and whether that is not estimated at so much a foot—11,000 feet; now, does that comprehend any other sewers?—A. Speaking of a sewer for sewerage a valley like Tiber Creek necessarily includes all that is necessary to carry off a given volume of water or sewage, whether in point of fact it is subdivided into different branches or carried in one sewer.

Mr. COOMBS. What; you do not answer my question; there are 11,000 feet of sewerage from Pennsylvania avenue to Boundary street; was a lateral branch to old St. Patrick's burying-ground comprised in your general plan submitted to the legislature?

The WITNESS. I cannot explain more fully than I have explained.

Mr. COOMBS. Where do you get the 11,000 feet in that estimate?

The WITNESS. I believe I have informed you that that was an approximate estimate of the general capacity of one sewer, and that there was no plan prepared; and even if that object is accomplished by one, or four, or five, or fifty branches, I do not see that that makes any difference in the estimate. It is simply a question of economy, practicability, and common sense.

The ACTING CHAIRMAN, (to Mr. Coombs.) You say that this plan contemplates one single sewer of sufficient capacity to carry all the water. The witness informs you that he understands it to consist of a system of sewers to drain this valley.

Mr. COOMBS, (to witness.) Will it not cost more to build several small sewers to take off a given volume of water than it will cost to carry it all off in one sewer?

The WITNESS. I have informed you before that the object of subdividing it was economy, and at the same time to provide sewerage for this whole portion of the city. If by subdividing it costs no more money and you obtain direct sewerage for all that portion of the city, and if it enables the use of pipe instead of large lateral branches, of course it is economy and efficiency combined. All these things have to be looked into in making a plan for sewers. In my opinion it is cheaper to have several sewers.

Q. You say that the first object of the board of public works was to devise and carry out a thorough system of sewers?—A. Yes, sir.

Q. Do you not suppose that you are limited in the work that you undertake and carry on by the general plan incorporated in the four million act?—A. I am not aware that we violated it.

Q. Is there any general system of sewers either described or estimated for in that plan?—A. To sewer the Tiber Valley in a proper manner you have to make a general plan for sewerage. Engineering does not consist in taking a water-course and building an arch over it. We are doing nothing more than legislation allows us. When we sewer Tiber Creek we sewer Tiber Valley; the necessary portions of it immediately, and other portions of it may not be done for years.

Q. Do you not understand that you are limited as far as practicable to the specific works estimated for in that plan?—A. I am not aware that we violated it.

Mr. COOMBS. That is not the question. You do not answer any question.

(Question repeated.)

WITNESS. Not in such an interpretation as you have put upon the law in your examination of me.

The ACTING CHAIRMAN. (To witness.) Put your own interpretation on it, and answer the question.

WITNESS. Yes, sir, I do; interpreting the law in a proper manner.

Mr. COOMBS. It is idle to continue this examination.

The ACTING CHAIRMAN. Go on with your examination.

By Mr. COOMBS:

Q. Is there any estimate at all or any mention made in that general plan of this sewer that is to run north of the canal, or of the Missouri avenue sewer?—A. Missouri avenue sewer is built under the law authorizing the canal to be arched and closed.

Q. Is there any estimate in this general plan or any description of any such sewer as the Missouri avenue sewer?—A. I do not find any specifically under that head.

Q. Is there any mention of the sewer to be constructed on the north side of the canal?—A. That is a part of the canal improvement which is done under a special act of Congress.

Q. What is that special act of Congress?—A. The act transferring the work from the old commission to the board of public works. It does not describe what kind of work, but it gives power to arch the canal. Constructing this sewer is substantially and legally arching the canal.

Q. Do you understand that act of Congress authorizing the board of public works to clean out the canal, or to clean it out and arch it over, as authorizing the board to fill up the canal?—A. That is the opinion of the corporation counsel, and I always take the opinion of my lawyer.

By Mr. CREBS:

Q. About this Tiber Valley sewer; have you determined yet the length of that sewer and how far it will extend of the size that they are now building it?—A. We are running some surveys to ascertain exactly how much water can be diverted into the Eastern Branch, and exactly how much can be diverted to Rock Creek. As soon as that is determined, we shall fix the length and dimensions of the Tiber Creek sewer. I do not think we shall carry it at its present size above Indiana avenue, and certainly not above New Jersey avenue.

Q. What is the number of feet between Pennsylvania avenue and New Jersey avenue?—A. I really do not know; about 600 feet.

Q. The contract price for that work has been stated here at \$102.50 a foot?—A. Yes.

Q. The estimate for the whole amount of that sewer will be over \$660,000. Do you think that all the sewerage contemplated by it can be built for that sum of money?—A. We shall not probably run beyond New Jersey avenue at the present size.

Q. That far the sewer will be of the size that it is now at Pennsylvania avenue?—A. Yes.

Q. What proportion of the whole amount of sewerage that is here contemplated will have been accomplished when you get to New Jersey avenue?—A. I cannot tell without taking the figures. It is a matter rather difficult to carry in the head.

Q. Of course you have to go above that to get the whole sewerage?—A. Above that it will be sub-divided. The lateral branches will be above that point.

Q. One of those lateral branches will run to the Eastern Branch of the Potomac?—A. No, sir; that will not connect with either of them. We will take the dividing ridge and carry as much water as possible to the Eastern Branch, and as much as possible to Slash Run. That will shorten these arms.

Q. You cannot now form an estimate of the proportion of the whole sewerage of the valley that will be finished when you get to New Jersey avenue with this main branch?—A. General Green has submitted his preliminary survey. I do not recollect the amount of his estimate. He has had immediate charge of the sewerage. One great reason for constructing lateral branches is to diminish the cost. By constructing branch sewers and sub-dividing the waters as far as can be done with water-shed, we diminish the expense very materially.

Q. Can you give an approximate idea of the distance to the boundary of the city in the direction of the waters of the Tiber Valley from New Jersey avenue?—A. No, sir; I do not know the distance.

By Mr. ROOSEVELT:

Q. Is the arch that you have directed to be built at New Jersey avenue the same as the old arch?—A. It is the same arch, except that the haunches have been strengthened.

Q. How long has that arch at New Jersey avenue been in existence?—A. I do not know. Long before I knew anything about it.

Q. It is in bad condition, is it not?—A. I have not been under it. I understand that it

was opened on the side for some purpose, after it was built, and that it is defective. I do not think that there is any radical defect in it.

Q. Is there a defect due to the nature and shape of the arch, or what, in your opinion, is the cause of it?—A. I think that it has been tampered with since it has been built. That is the report that my assistant made, that the arch was opened for some purpose after it was built. There is nothing the matter with the shape of the arch. It is the ordinary elliptical arch.

Q. The arch that you have made, will that be subject to the same difficulties?—A. I do not apprehend any difficulties about the arch. The masonry has been increased. It is the same style as the other, an elliptical arch. There is nothing peculiar about it.

Q. You made no change except to make the masonry a little thicker?—A. No, sir; it was necessary to follow the dimensions and shape of the sewer as far as possible.

Q. Do you know whether the arch at New Jersey avenue will have to be taken down?—A. I do not intend to take it down.

Q. Will you have to improve it?—A. I do not know whether we shall carry it from there to New Jersey avenue. If it is carried to New Jersey avenue, it will only have to be underpinned. The fall of it is 18 or 20 inches above the fall of the present sewer. The grade of the sewer has been kept as low as possible, in order to provide sewerage for the cellars in the upper part of the city, where the houses have now no cellars.

Q. Do you think you will leave that arch in its present condition?—A. Yes, sir; we will just underpin it and lower the walls at the bottom. I should not do that unless it was a substantial arch in my opinion.

By Mr. HARMER :

Q. You have constructed arches of that same kind before, have you?—A. No sir; I have had no arches of that kind to build.

Q. In your opinion is it not a durable arch?—A. An elliptical arch is not so desirable as a semi-circular arch, but it is necessary in all cases where you want an arch of a certain width and certain depth. It is better than a segmental arch in such a place, because there is not so much pressure on the abutments.

Q. You believe that character of arch to be substantial?—A. Yes, it is a substantial arch that is usually used by engineers in all such cases.

By the ACTING CHAIRMAN :

Q. You say that there is no defect in the arch at New Jersey avenue except a defect caused by opening it?—A. My assistants examined it, and they reported that it is perfectly substantial, but that it has been interfered with. There is no difficulty about the matter; the arch is not in a dangerous condition, or I should not have underpinned it.

By Mr. CHANDLER :

Q. Assuming 11,000 feet of sewerage, at \$60 a foot, making \$660,000 as the estimate in the original plan for the drainage to be correct; do you believe that a proper system of sewerage can be accomplished within that estimate?—A. I think so; there is no material difficulty in regard to it. These estimates of course are approximate.

Mr. COOMBS submitted diagrams of Tiber Creek sewer, and got explanations from the witness in regard to them.

By Mr. CHANDLER :

Q. State the action taken by the board of public works in reference to the canal, and the reasons therefor.—A. The first matter our attention was called to was the stoppage of the dredging on the Eastern Branch. The dredges were then stopped at the brick arch. The superintendent came up to the board for permission to remove the walls to allow the dredges to come through. I went down and examined it with other members of the board of public works, and the result of that examination was that we determined to fill up the canal from Third street to Seventh.

Q. What was the next decision of the board of public works in reference to it?—A. The board directed then to proceed with the dredging from Seventeenth to Seventh street, in which decision I did not concur; but I was in the minority. The reason for proceeding with the work was on the ground that the contract had been made by the previous commission, and could not be canceled; we had no power to cancel it. I have reference now to the contract with Evans & Teemyer made by the old commission.

Q. What was the next action of the board of public works?—A. It has been left in that condition ever since. I believe the board has decided to fill it to Seventeenth street. That is my original plan.

Q. State what settlement you made with the contractors, Evans & Teemyer, and the reasons for making the settlement.—A. The settlement was a compromise settlement. They were to surrender their contract and all claims for damages on account of its violation, and on account of suspension of the work, on condition of receiving that amount of money.

Q. The work was defective, as you understood it, at the outlet of the canal?—A. Certainly; I do not consider it good work.

Q. State, then, why you made a settlement which involved payment for that work as if it had been good work?—A. The only other alternative was to take the wall down. They would have progressed with their contract, and would have had a large claim for extras. The contract provided against unnecessary delay; and there had been great delays, inevitably, both on the part of the former commissioners and of the board of public works, in suspending the work for further orders and for further decisions. The former commission stopped the work once or twice and changed their plans.

Q. Because the Government found it difficult to determine upon what plan to proceed?—A. That seemed the main difficulty.

Q. State whether or not you have letters from the contractors showing the reason for that settlement, which letters were not submitted with the other papers from your board.—A. I have a letter from them giving the amount of their claim.

Q. You state that your idea of paying these contractors was as a compromise, in order to get rid of the contract entirely, and to carry out the plan of the board of public works for filling the canal?—A. Yes; I do not think that the canal is anything else than a cesspool, unless the intercepting sewers were constructed; even if they were constructed, I do not see any particular advantage in going to the expense of keeping it open.

Q. Is it your opinion that the canal, being a receptacle for the sewerage of this city, cannot be properly kept open by dredging?—A. It has been the experience of all cities and towns that an open canal is a nuisance.

Q. What consultations were had by the board before making this decision to close the canal?—A. I do not recollect.

Q. Was it the subject of repeated conference and debate?—A. Yes, sir; it was a standing subject of debate for a long time.

Q. And the action of the board was taken after full consideration of the subject?—A. Yes, sir.

By Mr. CREBS:

Q. When was the charge of the canal transferred to the board of public works?—A. I do not recollect; soon after the organization of the board.

Q. Was it not on the 20th of April?—A. I do not recollect the date.

Q. Do you know when Evans & Teemyer entered into this contract for doing that work?—A. I do not. It is a matter of record.

Q. Was it two weeks before the board of public works took charge?—A. I do not recollect. It is a matter of record.

Mr. COOMBS. Their contract is dated the 8th of April, and the board of public works took charge on the 20th; that makes twelve days. You stated that the work was suspended a good deal owing to the fault of the contractors, and also of the old commissioners.

The WITNESS. The correspondence that has been put in with the modified contract will show that. There were two or three contracts made. There was a long suspension before the second contract was made. The first commissioners made three separate contracts.

By Mr. COOMBS:

Q. Was any work done under those contracts before the board of public works took charge?—A. Yes, on the Eastern Branch.

Q. I mean in that part of the canal that has been filled up—in the western end?—A. I cannot recollect. There was little or nothing done.

Q. I suppose the board of public works inspected the plan specified in those contracts?—A. It did.

Q. What was your opinion of that plan at that time?—A. My opinion then was the same as it is now, that it would prove an utter failure.

Q. Was there any attempt made to make a compromise with these contractors, and change the plan?—A. No, sir; the board did not adopt my recommendation in regard to it.

Q. Then the board did not ask those contractors to consent to any modification of the plan?—A. I do not know whether they did or not.

Q. You did not recommend it to be done?—A. I recommended that the work be abandoned; and I reported to the board that the plans were imperfect, and that I did not think they could be made perfect with any ordinary expenditure of money. I looked upon the expenditure of money on it as simply a waste of money.

Q. After the board of public works took charge of the canal, it was their business to supervise the work of the contractors, and see that it was done according to contract, was it not?—A. I suppose it was.

Q. The whole work was transferred by act of Congress to the board of public works, was it not?—A. Yes, sir.

Q. Has that work been done according to the contract and specifications?—A. No, sir. I have stated before that it was not.

Q. You stated in one report that it was.—A. No, sir. I stated that changes had been made, but that they did not affect the stability of the work. The contract is full of loop-holes for evasion. I do not consider it good work, and never have so considered it. The change made

in the wall from timber to iron rods was an improvement, and there were other changes of the same kind. The plans and specifications are radically defective.

Q. Who made those plans and specifications?—A. I do not know.

Q. They were made under the old commissioners?—A. Yes, sir.

Q. Did not General Michler make them?—A. I do not know; I suppose he did. I stated in my report that the work was done in general accordance with the plans and specifications. I recommended the compromise on the condition that the work be suspended. That is the only report I made upon it. I should not have accepted it if the work had to go on.

Q. You say that the work was done according to General Michler's plan?—A. I say that the failure of it is not due to any deviation at all from that plan.

Q. Do you think the work is as substantial and durable as if it was made strictly in accordance with the plan?—A. The piles for the walls in the canal were not driven deep enough. The contract did not contain the words "mean low-water mark," but only the words "low-water mark." And the piles have only been driven to low-water mark.

Q. Have they been driven to ordinary low-water mark?—A. I think they have. I admit that the work has not been done properly. I never have claimed that it was.

Q. I see a paragraph in your report that the pile foundation appears to have been constructed in strict accordance with the requirements of the plans and specifications, but that as they are radically defective, the work cannot be repaired except at an expense equivalent to rebuilding the structure in a proper manner. Do you adhere to that statement that the pile foundation appears to have been constructed in strict accordance with the plan and contract?—A. When I wrote that, I had gone down there three times and found the piles just at low-water mark. The superintendent informed the board that they were driven to that point, and I assumed that they were. But if the work had to be taken as a final job and not as a compromise, I should not have accepted it.

Q. What do you understand as low-water mark?—A. I understand it to mean low-water mark.

Q. The lowest that the water ever stands?—A. No, sir.

By Mr. CHIPMAN:

Q. Explain the difference between "low-water mark" and "mean low-water mark."—A. "Low-water mark" is the mark of low tide. "Mean low-water mark" is the established low-water mark, like the mean of high-water mark. "Mean low-water mark" is the average low-water mark.

Q. The contract says low-water mark?—A. It ought to have said that the piles should be driven to a depth below the lowest tides. Then it would have been clear and plain.

By Mr. COOMBS:

Q. Are not the ends of those piles on which the wall is built above high-water mark?—A. No, sir.

Q. Have you ever seen those ends covered with water?—A. Yes.

Q. Are they covered ordinarily in ordinary high tide at all?—A. I have not roosted much on the banks of that canal. I keep away from it as far as possible. I do not sit on that canal bank any more than I can help.

Q. Supposing the piles to be only driven to high-water mark, what would be the effect of the rising and falling of the tide; will the piles not rot in a short time?—A. They will rot out quickly, of course. I have stated that I do not consider the work a good job of work; nor would I ever have accepted it had it not been taken as a compromise. I believe I made the best arrangement possible. I believe that no money should have been spent there.

Q. In General Michler's plan what was the thickness of the timber that was to rest on the top of the piles and sustain the wall?—A. I cannot tell. Reference to the contract will show.

Q. Is not, in fact, the timber that is put on there four inches less than the specifications require?—A. I do not know. I wish you to understand that I have no desire to evade anything in this matter. I made the adjustment as a compromise adjustment. I believed that the work was badly done, and that if it was done well it would have been utterly worthless. I knew very well before the work started that it would be a failure.

Q. How much was paid to these men?—A. I do not know; some \$80,000, I believe.

Q. You do not pretend to say now that the work is done according to contract?—A. I never have. I based my judgment on General Green's report.

By Mr. CREBS:

Q. The commissioners were not bound to pay those contractors for delays after they had finally entered into a contract?—A. The contract provides that there shall be no unusual delay.

Q. The contract under which they went to work?—A. Yes, sir.

Q. Did not the very fact of their signing that contract relieve the Government from all damages?—A. Not at all.

Q. Why not?—A. There is a fixed value on the use of a dredging-machine.

Q. Did they make any claim at that time for damages?—A. Certainly.

Q. What was their claim for damages before they entered into the final contract?—A. There were various claims—I think to the amount of \$30,000.

Q. Who were the commissioners that made the final contract with them?—A. The same original commissioners. They modified the contract three times.

Q. Who were they?—A. The Secretary of the Interior, Ex-Mayor Emery, Mr. Kilbourn, General Michler, and Mr. Dickson.

Q. Were the contractors to be paid damages for any delays in the execution of the first or second contracts?—A. The question was not raised as I know of. There was no question about damages when they entered into the contract finally. There were three contracts, each a modification of the other.

Q. They did no work until the final contract was made?—A. O, yes. They commenced under the first contract. All that was done on the Eastern Branch was done under the first contract, I think.

By Mr. ELDRIDGE:

Q. Do you mean to be understood that an entire new contract was made, or only in relation to a portion of the work?—A. The first contract was modified somewhat. The first contract was modified by the second, and the second was modified by the third. They were simply one contract modified three times.

By Mr. CREBS:

Q. How much of this work from Seventeenth street, running down his way, had been done when you took charge of it?—A. Little or nothing.

Q. Which cost the most, the work on the Eastern Branch, or this up here?—A. I do not like to answer from memory; my report has the full adjustment of the matter.

Q. You said you were satisfied the work would be worthless. When you examined the contract did you report that to the board of engineers?—A. I did.

Q. They overruled you?—A. They thought I was mistaken.

By Mr. CHANDLER:

Q. You have always been in favor of closing up the canal?—A. I have never had any other idea. These alterations in the details of the contract with Teemyer & Co. grew out of the varying opinions as to what was to be done with the canal. I consider we adopted the best course.

By Mr. ELDRIDGE:

Q. You said you reported in favor of giving up the work of Teemyer & Co.?—A. I recommended abandoning the plan.

Q. Did your recommendation include the idea of filling up the canal?—A. Yes, sir. Afterward the board came to my plan.

Q. Was this instrument with Teemyer & Co. after you had determined to fill up the canal? How soon after you took possession of this work did you make the recommendation to fill it up?—A. At the first or second meeting. It was quite late last fall; several months after I took charge of it.

Q. You say that if the work had been done which Teemyer contracted to do, you think it would have been a failure?—A. Yes, sir; I think so.

Q. So that, whether done under the contract or not, it would have been good for nothing?—A. Good for nothing.

By Mr. CHANDLER:

Q. You are the architect of the new State Department building?—A. Yes, sir.

Q. And you had to consider the question of the F street improvement in connection with it? State your opinion of the change of the grades at F street.—A. I think it ought to have been changed about 18 inches more; should have been 18 inches lower than it is.

Q. State the general plan of the board of public works in reference to grades.—A. The plan of the board was to take the question of grades in connection with sewerage, so as to make as few changes as possible.

Q. State the advantages of the lowering of Seventeenth street, in connection with the State Department.—A. It was inevitable. The grade on the south side of the State Department had to conform with the road-way, and with the south front toward Virginia avenue. It was impossible to make a decent finish to the State Department without reducing the grade in that way. One object was, in lowering F street, to get a better system of drainage, and the other to obtain earth to raise the grades, and destroy that swamp below.

Q. Is it a uniform grade?—A. It is not. It has been adjusted so as to make good grades.

Q. What is the expediency, as a general thing, of cutting down the summits of these higher points and carrying to the lower places; are they worth their cost?—A. I think they are. The city of Boston has just cut down a large section; even destroying large houses to cut down the grades. Upon the street leading from Devonshire street to the bay, and in the section called Fort Hill; at one point, the grade was cut down 83 feet in a very thickly settled portion of the city, covered with houses. The grades were changed for many streets. This was done at a very great cost; it is an extreme case, however.

Q. Now, take this F street improvement; is it, in your judgment, in consideration of the improvement of property in that vicinity, worth what it will cost?—A. I think it is one of the best improvements in the city; it will increase the value of the property very much.

Q. State whether Mr. Shepherd was anxious for this lowering of the grade then.—A. No, sir; he was not in favor of it.

Q. Who originated the idea?—A. I did; about the time General Green was appointed. I believe he was cognizant of my plan, and agreed with me in my recommendation, and recommended even greater change than I did. Mr. Shepherd was opposed to it on account of its expense.

Q. Were Mr. Shepherd's houses, on that street, built with reference to the present grade?—A. No, sir; they were almost finished, and the steps had been laid with reference to the old grade. They are now considerably above the present grade. There are no cellars under them.

Q. In reference to the improvement in Georgetown, state as to the expense, the character, and object of that improvement.—A. There have been, until recently, only two outlets from Georgetown, which were at all suitable for heavy travel. The object was to open another outlet at M street. The grade on entering the city was altered by raising at the bridge 12 feet, and cutting down the hill 10 feet, making a difference of 22 feet; when finished it will be one of the best streets. I think it is very important for the benefit of Georgetown, and when completed it will meet the approbation of all the citizens. Many of those who were originally opposed to it are now in favor of it, even in its unfinished condition.

By Mr. COOMBS:

Q. Do you think the people of Georgetown, where the street has been raised up two or three feet above their second-story windows, are in favor of it?—A. I think they are entitled to damages, where there are any such damages.

Q. When was this work of cutting down F street commenced?—A. I do not remember; it is a matter of record.

Q. Do you remember about what time Nineteenth street was cut down?—A. I do not. They were both cut down at the same time. Cutting one of course involved the necessity of cutting the other.

Q. When did you prepare that plan of cutting down this street you have spoken of?—A. About the time the work was commenced.

Q. Was it as early as May?—A. I do not remember.

Q. Didn't that plan include the cutting down of the cross streets as well as F street?—A. I suppose it did. We did not intend to have a *cul-de-sac*. It did not include the cutting down of Nineteenth street, between G and the Avenue.

Q. Is that plan in existence now?—A. I do not know; I suppose it is. I suppose it is in the office. I think you have had the profile of it.

Q. Did you not, for the extension of the Treasury building, recommend that the street on the north side should be cut down, so as to make a level base?—A. I have no recollection of making any such recommendation.

Q. Would not that have been an improvement to the Treasury building?—A. Yes, sir; it should have been done.

Q. But now, at Seventeenth street you have cut it down there by making a great inequality.—A. Not at all.

Q. Is not the south corner of the new State Department much lower than the north corner?—A. It will be difficult to describe it. The State Department will stand on a level when completed. All the base will be above ground. At the Treasury Department we got a level base by going into the bank, but at the State Department we got a level base by going out of the bank.

Q. What practice have you had as a civil engineer?—A. Not a great deal. I have studied the science of civil engineering.

Q. What other occupations have you had?—A. I am an architect.

Q. Have you been a clerk in the Department?—A. I have had the honor.

By Mr. CHIPMAN:

Q. I have been requested by Mr. Crebs, who has been called away, to ask your attention to a contract signed by the late Mayor Emery—a contract for the improvement of the canal, on the 8th day of April. [A portion of the contract was read.]—A. That is, as I understand, the contract.

Q. Mr. Crebs wants to know how you reconcile that with your opinion that they are entitled to damages?—A. The clause, as I understand it, covers the right of the contractor against any delay. As I understand it, it is a provision that it shall not affect the clause of the original contract given them—a right to demand that there shall be no unnecessary delay.

Q. You had this contract in mind when you made your report?—A. Yes, sir.

By Mr. ROOSEVELT:

Q. Did you make the estimates which were made before the work was undertaken?—A. No, sir; that was done by Mr. Forsyth.

Q. Do you understand what the 20 per cent. deduction for cash means?—A. Under the old corporation I understand the contractors have usually been paid in certificates, worth about 80 cents on the dollar. The board of public works believe that they would get the contracts cheaper in that way by paying cash.

Q. Do you think they did get them cheaper?—A. I think so.

Q. Will not the amount of extra work overrun that amount?—A. That does not affect that point at all; for extra work that would be another question.

Q. Has the work already completed been 20 per cent. under the estimate?—A. I think the board of public works have accomplished all that they expected by it.

By Mr. CHANDLER:

Q. Take the price per cubic yard on which that plan, June 30, was made; have not the prices been 20 per cent. less?—A. I think they have.

Q. Have you received any compensation from the board?—A. Never, except that my expenses were paid for one trip to New York.

Q. You have received no salary except as supervising architect?—A. None whatever.

Q. Have you any interest in any contract given out by the District government?—A. None of any kind whatever.

By Mr. ELDRIDGE:

Q. Have you any interest in any paving companies?—A. No, sir; none of any kind.

Q. What was this trip to New York for, for which you were paid your expenses?—A. I went on to examine some pavement, more particularly the process of burnettizing wood at Elizabeth City. My expenses were \$23 or \$24, I think.

Q. Did you go expressly for that business?—A. I did. Mr. Shepherd was with me. He did not go with me, however, but was there. I think Mr. Brown went over with me.

By Mr. ROOSEVELT:

Q. What pavement did you examine there?—A. The Scrimshaw concrete and the Evans concrete pavement, I think, and some half dozen different kinds; but we went particularly to see the Robbins pavement, and to see the process of burnettizing; also the effect of some preparations of the silicate of soda and of potash on wood.

Q. Was that before you made the contract for the concrete pavement?—A. No, sir; it was after. The work had been suspended, however, at that time on account of the weather.

By Mr. CHANDLER:

Q. You depend for all the details of your calculations upon your subordinates?—A. I am compelled to.

Q. What has been the condition of your health for the last few months?—A. I have been much more unwell than for many years previous. I was confined to my house about a month.

WASHINGTON, D. C., April 8, 1872.

A. R. SHEPHERD recalled and examination continued.

The WITNESS. I desire to correct my testimony given on Friday last, in reference to the tests made on the sewer pipes of which I spoke. I had got it mixed up with something else. I submit this morning an official report, and ask that it go with my testimony. Here is a report taken from the Baltimore American of March 23, 1872, of the tests made on terra-cotta pipe: and here also is the report of Dr. B. F. Craig of the action of sewage on earthenware pipes.

These papers are as follows:

“TESTING PIPES BY HYDROSTATIC PRESSURE.

“Specimen sections of terra-cotta pipe from four different establishments were tested yesterday at the establishment of Messrs. Murray, Clark & Co., machine and boiler makers, Nos. 40, 42, and 44 York street. In addition to the gentlemen immediately interested in the experiments, Mr. Chase, of the board of public works of Washington, D. C.; Mr. R. K. Martin, civil engineer to the Baltimore water-board; James Curran, Baltimore city water engineer; Charles P. Manning, chief engineer of the Union Railroad, and Mr. Renshaw, civil engineer, were present. The sections of pipe subjected to the pressure were about three feet and a half in length, and of various diameters, ranging from 12 to 18 inches. Each section was placed on a small platform, with the end resting on a plate of stout India rubber, a plate of the same material was put over the top, and on this a cast-iron disk. Iron rods united the upper and lower disks, and, when the screws were turned, pressed the rubber plates so firmly against the end of the cylinder as to make it water-tight. There was a hole in the top disc through which the water was admitted; the gauge being properly attached, the water was admitted, and the force-pump applied. Nervous persons might be apprehen-

sive that when the pressure becomes too great the terra-cotta fragments would be sent flying through the air, with the force of an exploding boiler; but no such danger is to be dreaded. Hydrostatic pressure is very different from the expansive force of steam. The effect of testing the strength of a cylinder with a column of water is very much like driving a billet of wood into it that is too large for the caliber; it simply cracks from the over-distension, and the water spurts out, but there is nothing hurtful in its flow.

"THE RESULT.

"The experiments resulted in demonstrating the superior strength of the sections of pipe made at the Whetstone Drain-Pipe and Terra-Cotta Works of H. Gibson, Fort avenue, Baltimore. The following table shows the successive tests:

Manufacturers.	Weight.	Thickness.	Pressure to square inch.
EIGHTEEN-INCH CALIBER.			
	<i>Pounds.</i>	<i>Inches.</i>	<i>Pounds.</i>
Holmes, Glasgow	234	1 $\frac{3}{8}$	8
Moorhead, Philadelphia.....	186	1 $\frac{3}{16}$	35
H. Gibson, Baltimore.....	207	1 $\frac{3}{8}$	80
FIFTEEN-INCH CALIBER.			
Edmonds, Glasgow.....	169	1 $\frac{1}{8}$	70
Holmes, Glasgow	177	1 $\frac{3}{16}$	35
Moorhead, Philadelphia	139	1 $\frac{1}{8}$	5
TWELVE-INCH CALIBER.			
Holmes, Glasgow.....	123	1 $\frac{1}{16}$	5
Moorhead, Philadelphia	86 $\frac{1}{2}$	1	6
H. Gibson, Baltimore.....	117	1 $\frac{1}{8}$	15
——, Ohio.....	134	1	5
Edmonds, Glasgow.....	117	1	45

"A 15-inch cement pipe, manufactured by Brady, (Baltimore,) weighing 224 pounds, 1 $\frac{1}{2}$ inches thick, burst under a pressure of ten pounds.

"Edmonds, mentioned above, is a Boston dealer, but the pipe exhibited was manufactured in Glasgow, Scotland.

"BALTIMORE TRIUMPHANT.

"It will be observed that the 18-inch pipe manufactured by Mr. Gibson, although weighing less than the Scotch pipe, stood a pressure ten times as great, and more than twice as great as the Philadelphia pipe, although the Scotch 12-inch pipe (from Edmonds, Boston) stood forty-five pounds to the square inch, while the Baltimore 12-inch pipe cracked at a pressure of fifteen pounds; but the 12-inch Philadelphia pipe cracked at six pounds pressure, and the Holmes (Glasgow) and Ohio pipes at five pounds.

"MURRAY, CLARK & CO.

"While the testing process was going on, there was abundant leisure for looking through the establishment of Messrs. Murray, Clark & Co. There is a common impression among persons not accustomed to visit iron-works, that engines and boilers are made principally by machinery, and that the artisan has but little to do except to manage the lathes, and drills, and rollers. Now be it remembered that a boiler is wrought out in great part by human muscle. The iron plates are rolled into cylindrical shape by a triple-gear machine, but all the riveting and shaping is done by hand. The flue-heads are curiously shaped sections of plate, which must be laboriously wrought out by hand from iron that possesses the requisite tensile strength and contains no flaw. Making a boiler for a hundred horse-power engine is something like building a small iron house, and the workmen climb over it and walk through it as if they were carpenters building a cottage.

"Messrs. Murray, Clark & Co. are now constructing a large marine boiler for the steamer Endeavor, a vessel in the service of the United States Coast Survey; they have also recently overhauled the boiler and machinery of the steamer Maggie, of the Eastern Shore line, and have just completed extensive repairs to the engine of the steamer Urbana, of the Wye River line. In addition to making and repairing engines and boilers, this firm manufactures a 'steam clay-tempering' machine, which greatly reduces the labor and cost of making bricks, by grinding and mixing the clay, and performing various other operations which are usually

done by horse-power and by hand. These machines can be seen in full operation any day at the yards of John A. Allen, J. S. and George R. Berry, and Daniel Donnelly."

"FEBRUARY 24, 1872.

"Memorandum on the action of sewage on earthenware pipes.

"The only ingredients contained in sewers, of any chemical activity, are certain of the compounds of ammonia, such as the carbonate and the sulphuret. These compounds form as soon as decomposition commences, and give to the contents of sewers an alkaline character. Free acids can only be present accidentally, as where the sewers receive the waste from certain chemical manufactories.

"I tested the samples of earthenware pipe left with me by Mr. W. H. Chase, by immersing fragments of them in strong solutions of sulphuret of ammonia for twenty-four hours. This did not have the least apparent effect on any of them, nor do I think, reasoning from general principles, that any earthenware pipe, used for a sewer, would be destroyed or injured by chemical agencies. Mechanical forces, such as the action of frost, &c., would be the only probable causes of deterioration."

"B. F. CRAIG, M. D."

By Mr. CHANDLER:

Question. Do you wish to say anything else in reference to the sewerage of the city?—

Answer. I think not; I think I have stated all that has occurred to me in relation to that subject.

By Mr. COOMBS:

Q. Have you ever made any estimate of what it will cost to carry out the system of sewerage which you have described?—A. Yes, sir; it is mostly comprehended in the estimate of July.

Q. Do you recollect what the estimates for sewerage in that general plan amount to?—A. I think that the whole sewerage of the city will probably amount to one and one half million of dollars.

Q. I call your attention to the estimates in the general plan; they add up for sewerage \$2,772,742. State whether there is any incorrectness in that adding up.—A. To state what you wish, I should have to go over and add up the estimates myself. Mr. Oertley is here, and if you give him the papers he will make the calculation for you.

Q. Does not the plan which you described here last Friday embrace more than three times the amount of sewerage that is in the general plan?—A. I do not think there is any use in a cross-examination of that kind, as I have stated that the engineer is present and can say exactly what the plan is, without leaving the matter to mere guess-work.

Q. It is your testimony, then, that the system which you described here last Friday comprehends very little more work than is down in the general plan?—A. Yes, sir; that is my testimony.

Q. You stated here on Friday that it was in contemplation of the board of public works to lay a sewer in F street, to relieve the sewer north of the canal?—A. I said that if it was found necessary it would be done.

Q. Would not that be an expensive sewer?—A. No, sir; not an expensive sewer; it would require a sewer that would probably cost not more than \$10 or \$12 a foot.

Q. How long would it be?—A. If turned into the Seventeenth street basin it would not be a very long sewer. It would run from Four-and-a-half to Fifteenth street and down Fifteenth to Seventeenth. Building a sewer on F street would save that much size in the canal, and would, besides, guard against any accident from overflow.

Q. You are satisfied that a sewer by the side of the canal, of the same dimensions as the Missouri avenue sewer, would not answer the purpose?—A. It never was intended to answer the purpose from Sixth to Seventeenth street, because the area is so much greater.

Q. The original plan of General Green was to connect this sewer west with the Missouri avenue sewer?—A. You can connect a small sewer with a large one.

Q. What would be the use of connecting a small sewer with a big one if the small sewer would have to carry off all the water?—A. It would not have to carry it all off. It would have to carry it off from Four-and-a-half to Sixth street, while the sewer running west would have to carry off all the water from Seventh, Ninth, Eleventh, Twelfth, and Fourteenth street sewers, and the sewer at the President's House.

Q. If connected at a dead level, why would the water run westward instead of eastward? Would it not be good policy in making a sewer of that kind which is to empty the water of all the intersecting sewers into the river at each end to have it large enough at each end to empty half the water which would flow in? Naturally one-half would flow one way, and the other the other, in a dead level?—A. I do not think, in the first place, it is a dead level. In the next place the sewer in Missouri avenue is a short one, extending only two squares, while the other sewer will run ten or eleven squares. The sewers have heretofore emptied into the canal at that certain level, and if they could empty into an open ditch, and the water make its way out, certainly if in a covered sewer it can make its way, just as well.

Q. Is it now a plan of the board of public works to connect this sewer from Seventh to Seventeenth street with the Missouri avenue sewer?—A. That is a matter yet to be determined. General Green favors it.

Q. Mr. Mullett favors not connecting?—A. Yes.

Q. Can there be any system of tide-water flushing if those sewers do not run to the river on each side, and if the tide cannot flow through them?—A. No, sir.

Q. Then, according to Mr. Mullett's plan of not connecting those sewers, and not running either of them through to the river so as to discharge into the river at each end, there can be no tide-water flushing?—A. Mr. Mullett is of the opinion that there would be sufficient flushing to keep the sewer clear. I think it would be safer to connect the sewers. We differ on that point.

By Mr. ELDRIDGE:

Q. Mr. Mullett's plan was to flush artificially?—A. Yes; he thought that the artificial flushing would answer the purpose.

By Mr. COOMBS:

Q. I believe you stated that you had no experience in constructing sewers or in grading, or anything of that kind except what you had obtained in following your business as a plumber?—A. And by reading.

Q. You have no practical experience?—A. All that I have is practical.

Q. You never have been engaged in constructing sewers or grading streets?—A. I have been engaged in constructing sewers for the last ten or fifteen years.

Q. Did you ever take a contract to build sewers?—A. Yes; a great many of them.

Q. What contracts have you had for building sewers?—A. I have had contracts from the United States Government, from the corporation of the city, and from private individuals.

Q. Mention some of the principal sewers that you have constructed.—A. I did a good deal of sewerage at the navy-yard, and for the public buildings, the War Department and others.

Q. What was that; pipe sewerage?—A. Pipe and brick.

Q. You are the vice-president of the board of public works?—A. I have the honor to hold that position.

Q. Is there any such office created by law that you know of?—A. I do not know. The law speaks for itself. The board has a perfect right to create its own officers. The decision of the court was to the effect that the board of public works is a co-ordinate branch of the District government and has a right to create its own officers. That decision was made in the injunction case with Mr. Emery, I think.

Q. At the time that injunction case was decided, had the board of public works created any offices?—A. I think not.

Q. Then I am not mistaken in supposing that any such question was involved in that case?—A. I think that, inferentially, the decision of the court was to that effect.

Q. What other member of the board beside yourself has any practical knowledge of sewerage?—A. I think that you had better question them upon that point. I believe them to be good, practical, solid men. Colonel Magruder was an engineer in the Army, and served during the war. Mr. Brown has had a good deal of experience in building. He has been a contractor all his life; and a contractor must have some practical knowledge; if not, he must very soon fail.

Q. Are any of them practical engineers?—A. I think Mr. Mullett is a practical engineer, and one of the ablest engineers in the country.

Q. Can you point out in this general plan the location of all the sewers that are mentioned in it?—A. I will have Mr. Oertly select and mark them out. [Handing the paper to Mr. Oertly.]

Q. Did I understand you that you were to take a part of the water that has heretofore run into Tiber Valley and divert it to Rock Creek and the Eastern Branch?—A. Yes.

Q. Do you expect to charge the owners of property on the line of those sewers for taking the water from its natural channel and carrying it to another stream?—A. That is a matter that will be determined by legal advice when the time comes.

Q. Before you undertake the construction of such heavy works, is it not advisable to know that?—A. The law is specific on that point, that all who are specially benefited by certain improvements shall pay their proportion of the cost. It is a legal question altogether as to who is specially benefited and who is not.

By Mr. CHANDLER:

Q. State generally the plans of the board with reference to the grades of the city.—A. The streets of Washington up to the time the board came into power were a combination of bastard grades, if I may use the expression; a system of compromise grades. If one man had a house which happened to be a little above, and another man a house which happened to be a little below the grade, and the two houses were 100 feet apart, the grades were adjusted to suit the two houses, without any regard to the beauty of the street, or to economy in carrying out the system of improvements. The board of public works propose to make as few

radical changes in the grade as possible. They wish to make the money appropriated for the improvement of the city go as far as possible and accomplish the greatest possible amount of work. With that object in view, many things that the board would like to rectify will have to remain as they are, or be trimmed so as to be as little unsightly as possible. It is not the intention of the board to make many radical changes. Heretofore there has been no established system of grades, and the board since the organization of their engineer corps have been running levels over the city, so as to have a uniform system of grades laid down and established for all time to come. I am informed there is in some instances a difference of four feet between the grades, as recorded in the grade-book of the city in the possession of the surveyor, and the grades as they exist. They have been run from different bench-marks and at different times; and so little attention has been paid to keeping the system of them that a great many errors have ensued. We are now arranging our plans for the work which we propose to go on with. Before entering upon any improvement, we have had cross-sections made of the work, the exact amount of the grading determined, the exact amount of paving, the exact amount of parking, and the cost of the whole when completed. I have here an estimate of the cost of improving certain streets, which I will submit to the committee:

“BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
“Washington, D. C., March 21, 1872.

“Estimate of cost of improving the following streets, assuming the paving of roadway as \$3 per yard, tile-pipes for sewerage, and the relaying and resetting of all the curbing and sidewalks:

Fourteenth street northwest, from N north to Boundary, (70 feet wide).....	\$154,468 52
Thirteenth street northwest, from F to N, (35 feet wide).....	45,417 06
Twelfth street northwest, from F to N, (32 feet wide).....	42,057 06
Eleventh street northwest, from F to N, (35 feet wide).....	55,208 86
Tenth street northwest, from F to N, (32 feet wide).....	42,057 06
Ninth street northwest, from S to Boundary, (32 feet wide).....	82,742 20
Eighth street northwest, from D to N, (32 feet wide).....	51,061 60
Sixth street northwest, from Massachusetts avenue to Boundary, (32 feet wide)	66,169 30
Fifth street northwest, from L to N, (32 feet wide).....	13,281 00
Fourth street northwest, from Indiana avenue to N, (32 feet wide).....	69,240 00
Second street northwest, from F to New Jersey avenue, (32 feet wide).....	38,404 80
	660,107 46

This estimate includes all the streets between the President's House and the Capitol—three of them extending as far as Boundary street, and the others as far as N street, with roadways paved, foot-pavements laid, parks laid out, &c. The costs of the streets which intersect these streets, and which have not already been improved between the President's House and the Capitol, will amount to about \$300,000 more, making the total cost of the improvements in the heart of the city about a million of dollars. This sum does not omit, but includes the one-third that is to be paid by the property-owners.

By Mr. ELDRIDGE:

Q. Do you mean to say that that million will include that third which each property-owner has to pay?—A. Yes, sir. The million is the total cost to the District and the property-owners. In the matter of pavements, the idea of the board is to put down first-class pavements—such as will reflect credit upon the city, and make it sufficiently attractive to induce people to settle and build here.

By Mr. CHANDLER:

Q. All this work is being done upon a system of grades which you consider essential to be carried out?—A. Absolutely essential.

(The witness here presented and explained to the committee a series of profiles, showing projected improvements in certain streets, with columns showing the names of the owners, the number of the square, the number of the lot, the frontage of the lot, the condition of the brick pavement, and the condition of the curb, &c., the whole being intended to give a history of the work.)

By Mr. CHIPMAN:

Q. Were these records in the office when you took charge of the District affairs showing the profiles of the streets?—A. There were no records upon which we could depend. There were certain levels, but they were incorrect. There was nothing at all by which you could be governed.

By Mr. CHANDLER:

Q. State with reference to the F street improvement. State the history of it, and what

your opinion is with reference to its effect on property in that vicinity, and between F street and the river.—A. I have already stated, in my examination by the other side, what my opinion is. At first I was bitterly opposed to the improvement; but after examining the matter thoroughly, I became convinced that it was the only thing that would reclaim and redeem that section of the city.

Q. The charge has been made that that improvement had a distinct reference to the benefit and improvement of your property on that street?—A. That is a lie out of whole cloth. That is the way I answer that question.

By Mr. HARMER:

Q. When that street was cut down, it was necessary to make costly improvements in front of the property? Was that made at your cost?—A. Yes, sir, every dollar of it. The houses were about finished before the cutting began. As a consequence, I was deprived of the rent of them for six or eight months, and besides had to pay the whole expense from my own pocket.

Q. In improving the front of other property on the line of that street, is that done at the cost of the board of public works, or of the individual owners?—A. That is a matter to be determined. I think that where property is damaged there should be a betterment law by which the benefits and damages may be assessed. Where the cutting is so deep as to seriously damage the property, both benefits and damages have to be taken into consideration.

Q. Has the board of public works the power now to do that?—A. No, sir.

Q. You have power to determine what shall be treated as a special improvement to the property-owners?—A. That will require further legislation.

Q. You say that you opposed the lowering of the grade on F street. Do you mean that you opposed any lowering of the grade?—A. I wanted the street trimmed down, and had a bill passed by the councils appropriating \$600 to have it trimmed 18 inches or two feet. I supposed that that sum would be ample to do the work.

Q. State whether or not at that time you had any intention of lowering the grade to the point to which it is now lowered.—A. None at all; not the slightest idea of it.

Q. When was the idea first adopted of lowering the grade?—A. When Mr. Forsyth came to see me one day, and told me of the original grade of the street as established by Mr. Randolph Coyle. He stated the fact that about seventeen years before he had attempted to carry out the present grade, but was stopped by an injunction originated by a Mr. McKean, who lived on Seventeenth street. That was after the board was in operation.

By Mr. ELDRIDGE:

Q. What was the condition of your houses at the time the lowering of the grade was determined upon?—A. They were finished.

Q. How are those houses now with reference to that grade; how are the water-tables with reference to it?—A. Instead of having eight or ten steps, as I contemplated, the highest has now twenty-one or twenty-two steps.

By Mr. HARMER:

Q. Is the lower floor of your houses as far above the grade of the street as other houses on the line of the street?—A. Pretty nearly; probably Mr. Lenthall's house is a little higher than mine; the cutting was deeper there; the hump in the street was greater at that point.

By Mr. ELDRIDGE:

Q. Are your houses constructed as they should have been if the grade had been determined upon at the time when you commenced to build them?—A. Certainly not; I should have saved from \$8,000 to \$10,000 if the grade had been established before I commenced to build.

Q. State wherein they would have been differently constructed.—A. I should not have incurred the expense of terracing; I would have had another finished story to the houses at less expense, and avoided steps, which cost from \$7,000 to \$8,000.

Q. What difference would you have made in the formation of the houses themselves?—A. I would not have set them so high from the ground as to require twenty-one steps to reach them; I would have set them down so as to reach them by eight or ten steps, as the original plan, drawn by Mr. Morsell, shows.

Q. How long ago did you purchase that property?—A. I have owned the property some eighteen months or two years, and commenced the houses about two or three or four months after the purchase.

Q. What did you pay for that property?—A. I paid for 150 or 170 feet of it 85 cents a foot, and for the other 60 feet I paid 60 cents.

Q. Who owns the property exactly opposite yours?—A. Mr. Alexander did own it.

Q. Is that unimproved property?—A. Yes.

Q. How much is it worth a foot?—A. I think it would be low at \$1 a foot.

By Mr. CHIPMAN:

Q. Was it worth more or less than your property at the time you purchased it?—A. It

was worth a little less. Property on the south side is not worth so much as property on the north side of the street. The front generally makes a difference of 5 or 10 cents a foot.

By Mr. CHANDLER :

Q. You think the improvement of F street a benefit to that section of the city?—A. I have no doubt of it whatever.

Q. State the benefits resulting from the improvements as they occur to you.—A. In the first place, the sewers that were laid by the old corporation of Washington two or three years before were laid with a view to that grade; of this there is no doubt, as they were laid in some instances 17 or 18 feet deep. Mr. Forsyth, who had something to do with them as inspector of streets, said that the sewers were laid with a view to the particular grade just carried out. Now you have a straight grade to the river, and a complete system of grades for that section, which was one of the earliest settled portions of the city, built when there was not much attention paid to grades. The streets that lead to the river front are filled with the earth taken from F and the neighboring streets. The grades having been thus raised, there will be some inducement for persons to build there when the river front is reclaimed. That whole section of the city has been benefited by the change.

Q. What do you think of the effect on the health of that section of the city?—A. I think it will be very beneficial.

Q. Before these improvements commenced, what was the condition of property in that section as to value; were the sales of property quick and active?—A. No, sir; property there was perfectly dead. The idea of buying property within a square of the executive buildings—the War and Navy Departments and the President's House—and paying 60 or 80 cents a foot for it, while on the other side of the Treasury Department property was worth from \$5 to \$10 a foot, is a sufficient answer to the question. I think property is increased in value 50 per cent.; I have no doubt about it.

Q. State whether, in your judgment, the cost of the improvement, as compared with the valuation of property there, is more than that portion of the city was entitled to.—A. No, sir; not so much as that section of the city is entitled to under this loan.

Q. Have you any statement in that respect?—A. I am having it prepared now.

Q. Something has been said here about the skating-rink. State how you happened to buy that property?—A. Mr. R. M. Hall came to me one day, and said that he had a cheap piece of ground to sell. Being always on the lookout for cheap pieces of ground, I asked him where it was, and he told me it was the old skating-rink. I said, "It is all full of water, is it not?" He said, "Yes; but it is so cheap that, if it was for nothing but the water privileges, it is worth the money." I asked what was the price, and he said about 2½ cents a foot, cash. I said, "That is pretty cheap, and I will think about it, and let you know to-morrow." I happened to be at the directors' meeting of the National Metropolitan Bank that day, and there I met Mr. William B. Todd, who is a pretty close dealer in real estate. I asked him what it would be worth, and he said 6 cents a foot. The next day Hall called upon me; I told him I would take the ground, and asked him to have the title examined. There were a great many hitches in the title, and I said to him that Mr. Stanton, who attended to my law business, would take the matter in charge, and that the transaction would be carried on and completed by him, and that he would deed the property to me. It took some month or two to straighten the title.

Q. State whether or not the party owning that property was compelled to sell it by any threat that it would be improved, and that he would be burdened by a special tax?—A. I never heard of anything of the kind.

Q. State whether or not the improvements made there were any such burden as to make it advisable for the owner to sell it?—A. I think not. Nothing has been done there except to run the sewer down and to cart the earth from F street, and that was all done, I think, when I bought the property.

Q. State whether you were anxious to buy it, or whether you made any exertions to get it?—A. Not at all. I bought it to let it lie idle. It will probably lie for ten years before it comes into market.

Q. I would like to call your attention to the scale of prices adopted by the board of public works, and ask you to state the system which the board determined to adopt for the improvement of the city and in regard to prices.—A. It was a matter of considerable moment to the board as to what plan it should adopt for the improvement of the city and as to the scale of prices which should be agreed upon. After mature deliberation it was concluded to advertise, and bids were received from a large number of parties for the different branches of work. The board examined the proposals, and selected the lowest prices—that is, as low as the work could be properly done for. Then we called the contractors together, and told them our design; that we had agreed to fix such and such prices. They, at first, demurred; but when they found that we had determined to adopt that as our system, they came into the arrangement. The prices established by the board are from 10 to 50 per cent. less than the prices prevailing in any other place, taking into consideration the cost of material and labor.

Q. Did you have interviews with the contractors at that time?—A. We had an interview with them all.

Q. They made complaint that the prices were too low?—A. Yes, they made bitter complaints. I do not think that one of the contractors made a dollar last year, because they were caught by bad weather.

Q. Then, having adopted this system of prices, you gave out contracts, as there was occasion for work to be done?—A. Yes.

Q. What system did you adopt in giving out the contracts?—A. We adopted the system of getting as responsible contractors as we could. Responsibility and efficiency were the points we most considered.

Q. State how the prices adopted by the board compared with the prices which had been paid by the old city government?—A. They were much less.

Q. For the same work or for as good work?—A. I do not think that the old city government ever secured any good work. It was always a system of getting the most pay for the least work. There did not seem to be any supervision or head to it.

Q. Were you connected with the old city government?—A. Yes. I was in the council and in the board of aldermen. I served as a member of the city council and then as its president, in 1862 and 1863. I also served in the board of aldermen the last year of Mr. Emery's administration.

Q. Under what system were special improvements under the old government constructed?—A. The whole cost was assessed on the property except as to intersections, the cost of which was paid by the city.

Q. Were the certificates for the collection of those special assessments issued and sold?—A. They were issued after thirty days, and given to the contractors, who generally sold them at from 80 to 85 cents on the dollar.

Q. State more specifically what the plans of the old government were for the improvement of the city in the way of grading, paving, curbing, and laying down sidewalks.—A. There was no system at all for the improvement of the city prior to the inauguration of the board of public works. As I have before stated, any member of the council or board of aldermen who had a constituent that wanted a street paved or a sidewalk laid, whether the grade was established or not, had the thing rushed through; and then if influence could be brought to bear on the mayor to have the work ordered, it was done. The practical working of it will be seen by the history of the corporation. Mayor Wallach was in office four years. He went out of the mayoralty leaving a debt of half a million. Mr. Bowen came into power, funded Mayor Wallach's debt, and in two years created a debt of his own of a million of dollars. When Mayor Emery succeeded Mr. Bowen, that debt had to be funded. Mr. Emery was in office ten months, and the floating debt was increased to \$700,000 or \$800,000. Thus you have under three administrations a debt of over \$2,000,000 imposed upon the city of Washington alone; and in addition, the property-owners paid the expense of their own improvements. All special improvements that were made were paid for by the property-owners.

Q. What was this money needed for, if not for special improvements?—A. I do not know. I suppose it was mismanagement altogether.

Q. State whether or not any special improvements were made under the old city government, except in pursuance of a special act of the city council.—A. No. Every improvement was made under a bill passed by the aldermen and council, and approved by the mayor. All special improvements were made in that way.

Q. Were these bills passed without reference to the opinion of the city engineer?—A. They were passed without reference to the opinion of any one. If you examine the history of the city for five or six years past, you will find \$5,000,000 worth of improvements ordered by the city council that have been unexecuted—luckily for the city. Bills would be passed without any regard to the revenues of the city or the wishes of the property-owners interested in the improvement.

Q. A large number of contracts had, however, been made by Mr. Emery?—A. Several contracts had been made by Mayor Emery. Under the old system, in April of each year, an advertisement was published calling for proposals for paving, laying foot-walks, and other work of that kind in the different wards of the city. These bids were opened, and the contracts were let by the mayor to his friends, whoever they might be. One man would have this ward, another man would have that ward, and so on. When a bill for any improvement passed, if the mayor concluded to have the work done, he issued an order to Mr. so and so, the contractor, to lay a foot-walk in such a place. The foot-walk was laid, no matter whether the grade was established or not. And the register, after thirty days, issued a certificate for the amount, in the name of the contractor, which certificate was a lien upon the property.

By Mr. ELDRIDGE:

Q. What was the annual expenditure for professed improvements previous to the present government?—A. I think it ran from \$300,000 to \$500,000 every year.

Q. What did the work amount to?—A. It amounted to nothing at all. The money was thrown away.

Q. You had some streets then, and some sidewalks?—A. We had no streets; we had some foot-walks, and pretty mean ones at that.

Q. Do you mean to say that this sum of \$500,000 was expended yearly, and that the streets and sidewalks were not improved?—A. No, sir; we spent in repairs from \$300,000 to \$500,000 a year.

By Mr. CHANDLER:

Q. What was the market price of the stock and bonds of the old city government?—A. I do not think they had any market value. I think that a year ago to-day you could have bought the Bowen 6 per cent. bonds as low as 80. I know that they sold as low as that, and probably somewhat less. The last quotation with the sinking fund commissioners was 97½. As to the securities of the city of Washington, they had no value in the market whatever, because in a good many instances the interest was allowed to go unpaid, and the whole thing was in a general state of chaos. I think that Governor Cooke's administration of the finances of this district, giving it a credit in the capitals of the old world and of this country, is the most remarkable on record. Bringing up to par stocks and credit which were from 20 to 25 per cent. below par seems to me a most wonderful financial transaction.

By Mr. ELDRIDGE:

Q. What was the market value of these certificates that were issued for special improvements?—A. I do not think that they averaged over 80 cents on the dollar—depending a good deal on the class of property on which they were issued. If the property was in a good street, well built up, they would sell more readily than on unimproved property.

Q. How were they finally paid?—A. They were paid by the property-owners, or the property was sold to meet the tax.

Q. Were they carried into the general tax?—A. No, sir; if property was sold for non-payment, it was sold especially for the benefit of these certificates. If it brought more than the amount of the certificates against it, the difference was paid to the owner of the property.

Q. Suppose the general tax, as well as the special tax, was unpaid, would there be two sales of the property?—A. No; there would be two distinct items, but only one sale, and both taxes would be paid out of the proceeds. The special tax was kept in a separate book, and was advertised at the same time as the general tax. There were not two advertisements or two sales.

By Mr. CHIPMAN:

Q. Was there ever a time, within your knowledge, that the old city government here could state exactly its financial condition?—A. I do not think there ever was.

Q. That it could state exactly the amount of its debts and credits?—A. I do not think there ever was. Mr. Bowen stated, in the Emery crusade, that he owed about \$300,000. He so stated to the Senate committee, and when the debts were called in, as far as it was possible to ascertain them, they were in excess of \$900,000.

By Mr. CHANDLER:

Q. What do you think about the prices received for the four million loan?—A. I think they are wonderful.

Q. State how much of the amount has been already used by the board of public works.—A. I do not think that we have used over \$1,250,000 net. The gross sum would amount to about \$1,800,000; but we have not yet levied any of our assessments. They will reduce the amount one-third.

By Mr. ELDRIDGE:

Q. Is not the whole sum paid, as far as you have gone with your improvements?—A. Everything is paid.

Q. Then, you have expended somewhere in the neighborhood of \$1,800,000?—A. Yes; one-third of that sum is to be reimbursed from the special assessments.

By Mr. CHANDLER:

Q. In round numbers, you have used of the four millions about \$1,200,000?—A. Yes; and it is provided by law that we shall be reimbursed about one-third.

Mr. ELDRIDGE. There is some talk about resisting it.

WITNESS. There is a good deal such talk, but talk is cheap. The point is simply this: Instead of having the certificates on property issued to contractors, and hawked about at 80 cents on the dollar, as under old administrations, the board of public works thought it would be much wiser and much more advantageous to the property-owners to settle directly with the contractors, (who made their contracts on cash prices,) and to collect the assessments.

By Mr. CHANDLER:

Q. So that the certificates are kept out of the street?—A. Yes; that was a very important point for maintaining the credit of the District.

Q. You have no doubt of your ability to collect the assessments?—A. Not the slightest.

Q. How far, in your opinion, will the means at the command of the board of public works, under the four million act, go toward completing the plan of the board in the most

thickly-settled portions of the city?—A. I believe they will make the thickly-settled portions of the city a garden spot. They will make it the most beautiful city in the country if Congress will contribute its proportion. If Congress will make an appropriation in proportion to the amount expended by our citizens, the city in ten years will be the most magnificent capital in the world, so far at least as its streets are concerned. I think that five and a half millions—four millions and the assessments—will perfect the central portions of the city, the main arteries leading to and from it, a great many of the streets that are being built up, and the system of sewerage. I have been astonished upon close examination to find how far this amount of money will go.

Q. You believe that the amount will be adequate to the substantial carrying out of the original plan of the board?—A. I do; because there are some items in the schedule which it will be well to omit.

By Mr. ELDRIDGE:

Q. Do you know any member of the board of public works who is interested directly or indirectly in any of these contracts?—A. I do not; I do not believe that any member of the board of public works has any connection, directly or indirectly, or in any way whatever with any contractor.

By Mr. CHANDLER:

Q. Have you any interest directly or indirectly in any contract?—A. I have not. I would be false to my oath of office if I had.

By Mr. CHIPMAN:

Q. You were speaking about the duty of the General Government to pay its fair proportion of the cost of improvement—you mean in the proportion which the Government property in the district bears to private property?—A. Yes; my idea is that the private owners hold to-day about ninety millions of realty in this District, and that the United States Government owns about sixty millions. If the United States Government will appropriate annually its proportion of taxes on its property, all the improvements—not included in this four million loan—can be carried out without increasing the burdens on the tax-payers one dollar. I have been kicking my heels at the doors of Congress for the last five years to obtain appropriations for this District, and have been invariably met by the response: "Why not do something for yourselves? Why are you paupers? Why do you not show some disposition to make a start in this matter?" This movement is based on that suggestion. After we make the start and try to improve the city, Congress should do its part. It cannot rid itself of responsibility in that respect.

By Mr. CHANDLER:

Q. If the General Government would do as an individual owning property in the city is compelled to do, that is all you ask?—A. That is all we ask.

Q. You would not come for any special appropriation?—A. No, sir.

Q. You would not think it necessary to ask for appropriations for charitable institutions or anything else?—A. Not a dollar.

By Mr. HARMER:

Q. Do I understand you to say that the entire property which the Government of the United States owns in Washington is exempt from taxes?—A. Every foot of it. About 40 per cent. of the whole property in the District is exempt.

By Mr. CHIPMAN:

Q. Do you know whether there is any law of Congress by which churches and charitable institutions are exempt from taxation in this District?—A. Yes, sir. Every man who keeps a private school-house, and makes his living by it is exempt from special taxes. There are certain charitable institutions in the city that have made, and will make within the next five years, hundreds of thousands of dollars, simply by owning property and letting it lie, ostensibly for the purpose of building on it; but really for the purpose of speculating in it, and which is exempted by Congress from any taxes, general or special.

Q. Will you name those institutions?—A. I do not wish to name them, for the simple reason that it might be deemed sectarian.

By Mr. HARMER:

Q. Is all cemetery property in this District exempt from taxation?—A. Yes, sir. Some of the finest squares in the city are exempt, and will be sold within five years at enormous profits.

By Mr. CHANDLER:

Q. What was the idea of the board of public works in regard to their obligation to conform to the plan of June 20, 1871?—A. Their idea was to conform to it as far as might be practicable and consistent with the public interests. We do not suppose that if the schedule calls for laying a cobble-stone pavement in a street, and we think that the needs of the city and the wishes of the people require a Belgian pavement, a wood pavement, or a concrete pave-

ment, we have not the power to make the change. We contend that we have that power, and have acted accordingly.

Q. Had the \$500,000 temporary act any limitation?—A. None whatever.

Q. It put that amount at the absolute disposal of the board?—A. Yes; without any restriction or qualification.

Q. State the construction which the board put on the clause in the four-million act providing that contracts shall be for 20 per cent. less than the estimated price of the work.—A. Our idea was that the average price should be 20 per cent. less than the amount of the estimate.

Q. State whether or not your detail prices were less.—A. Every detail price was less, running from 10 to 40 per cent.

Q. Is it not your understanding that that complies with the spirit if not the letter of that act?—A. Entirely, I think.

Q. State whether or not you know the feeling of the tax-payers, and of the business community of the District, in reference to the plan of the board for the improvement of the city?—A. I think there never was such unanimity in any community on any subject as there is in this in regard to these improvements. I have myself been astonished to find such cordial support from all, excepting a small number, in carrying out these improvements, and in upholding the hands of the District government in the attempt to redeem this capital of the United States from the slurs cast upon it for want of enterprise and progress.

Q. Do you believe that to be the present sentiment, notwithstanding the memorialists?—A. I know it to be. The most bitter opponents that I have in politics take me by the hand daily, and bid me God-speed in this effort; and they say, "Don't mind this little fight; you are doing what is right, and you mean to do what is right."

Q. Have you made any analysis of the memorialists, to show what proportion of them ever pay taxes?—A. Yes; I have a certified list from the collector of the District. I find that out of a total of 602 names signed to this memorable memorial, 166 are tax-payers and 436 not tax-payers. The total assessment of property owned by these 166 persons is \$3,463,800, and the amount of taxes paid by them is \$56,515.28. The total assessment of property in the District is eighty-six millions, and the total tax levy \$1,221,073.12. The proportional percentage of the total tax paid by these memorialists is 4.58 per cent. Their proportion of the valuation of property is 4 per cent.

Q. State whether or not, in carrying out the system of improvements in this District, you have been influenced by a desire to improve special pieces of your own property.—A. Not any special piece of my own property. Every dollar that I have in the world is here—the results of the labor of twenty odd years. I am interested, of course, in the general prosperity of the District; and I believe that a system of general improvements like this, when carried out, will enhance not only my property, but the property of every man who owns a foot of ground in the District.

Q. Will that influence be confined to any particular section of the city?—A. No, sir; it will extend to all sections of Washington, Georgetown, and the county.

Q. Has any special improvement been made with special reference to any property of yours?—A. None whatever.

Q. With reference to the pavements of the streets; state the circumstances of the advertisements which the board published for proposals for pavements, and what policy was adopted with reference to paving the streets?—A. We advertised for proposals for all kinds of work and every class of pavement. We took the prices and cut them down so as to bring them within our statement of 20 per cent. Wooden pavements, which had been formerly paid for at \$4 per yard we cut down to \$3 and \$3.20. Grading, which heretofore had been paid for at the rate of 16 cents for cutting and 30 cents for filling, (getting a double price,) we paid for at 20 cents for grading, which included cutting and filling; and, besides, there is no chance of false measurement, as has been heretofore the case.

Q. When was the advertisement for proposals for paving put out?—A. I do not recollect; it is in the record.

Q. State whether or not these proposals and all the contracts provided for keeping the pavements in repair for three years?—A. All the patent pavements are to be kept in repair for three years, and the foot-pavements for six months, I think, and other classes of work in the same proportion.

Q. State whether Mr. Thornton Smith bid for any pavement at that time?—A. He had a bid for a tar-plaster, the same as he put over here at the Agricultural Grounds and some other places. It is not a pavement, however.

Q. Was there not a bid for the Stafford pavement?—A. A man named Stafford put in a bid.

Q. At what price?—A. From \$2.25 to \$2.85.

Q. Is this a statement of the wood pavement constructed by Captain Grant on Capitol Hill?—A. Yes, sir.

Q. What is the price per yard which he charged?—A. \$3.50 per yard is the price here.

Q. State what pains the board took in determining the pavements that they would use, and the extent to which they propose to use concrete and wood pavements?—A. The board has no doubt about the entire durability of treated wood pavement and of Belgian block

pavement—granite pavement. Concrete pavement, I think, will be a success. I think that plan which we have adopted of causing these contractors to keep the pavement in repair for three years will, of itself, make it a success. If that pavement had been laid without any guarantee to keep it in repair, it would have gone to pieces, or entailed very heavy expense upon the District government. With those precautions we have taken, I think there is no doubt that the pavement will prove to be good.

By Mr. CHANDLER :

Q. What was the character of last winter ?—A. It was the severest winter I ever knew.

Q. Had not your board a right to expect that much of the street-work would be done with economy during the winter ?—A. I think that if we had had thirty days more, we would have had the thing very nearly finished up. As it was, this avenue pavement was laid up to the 1st of January. It was laid during the month of December.

By Mr. CHIPMAN :

Q. Did the winter begin unusually early ?—A. Yes ; a month earlier than usual.

By Mr. CHANDLER :

Q. And how late is the spring ?—A. It is thirty days behind.

Q. What percentage was retained on the various contracts ?—A. On the patent pavements no percentage was retained, as the contractors were bound to keep them in repairs for three years. On the sewer-work were retained so much per foot, and on the foot-pavement so much per square yard.

Q. What system prevails in the book-keeping of the records and accounts of the board ?—A. The best system that can be devised for it. It is a system of checks and balances. Nothing can go out, no material can be issued, and no bill can be paid without passing through three or four hands. There is a complete record kept of everything.

Q. Is your system of property accounts as perfect as your system of money accounts ?—A. Entirely so. We have a balance-sheet every day. I can tell you every day the number of men that were at work the day before, and every inch of material on hand, what was issued and the balance remaining, the number of men engaged on sewers and the whole number of men engaged by the District government, except so far as contract work is concerned. Contractors have their own men.

Q. Do you believe it possible for frauds to be committed in regard to the moneys of the District under the system you have adopted ?—A. No, sir ; I do not believe it possible.

Q. Have you any sinecure positions under the board, or under the District government, to your knowledge ?—A. I do not know of any. I know there are none under the board of public works.

By Mr. ELDRIDGE :

Q. Any dead-beats ?—A. We do not tolerate that class of cattle.

By Mr. CHANDLER :

Q. What work is performed by the clerks of the board ?—A. The clerks work from 9 to 5 in the regular hours, and they generally run through till late at night. I often sit there till 7 or 8 at night.

Q. What is the salary of the members of the board ?—A. \$2,500 a year.

Q. What is the salary of Mr. Mullett, the engineer ?—A. He gets nothing. He ought to have a salary ; he is entitled to it. I think it was a mean thing to cut off his \$2,500.

Q. Have you examined the work on Tiber Creek sewer ?—A. Yes, sir.

Q. Did you ever go through it ?—A. I started to.

By Mr. ELDRIDGE :

Q. Did you find it navigable ?—A. No, sir.

By Mr. CHANDLER :

Q. State your opinion as to the character of the work on the Tiber sewer, whether it is well done, and whether the prices are extravagant.—A. It is a much better job than was done there by day's work for the United States Government, which is \$20 to \$30 a foot more than that. I consider it first-class work altogether.

The following are the papers presented by Mr. Shepherd, in the course of his examination, and put in evidence :

Assessment of the cost of paving carriage-way in part of squares Nos. 760 and 761, in the fifth ward of the city of Washington, under an act approved November 9, 1870.

Names.	No. of square.	No. of lot.	No. of front feet.	Rate per foot.	Amount.	Contractor or parties doing work.
A. Grant	760	15	20.7	\$15.46	\$318.17	A. Grant.
Do.	760	16	20.8	15.46	319.56	Do.
Do.	760	17	20.7	15.46	318.17	Do.
Do.	760	18	20.7	15.46	318.17	Do.
Do.	760	19	20.7	15.46	318.17	Do.
Do.	760	20	20.7	15.46	318.17	Do.
Do.	760	21	20.7	15.46	318.17	Do.
Do.	760	22	20.7	15.46	318.17	Do.
Do.	760	23	20.7	15.46	318.17	Do.
Do.	760	24	20.7	15.46	318.17	Do.
Do.	760	25	20.7	15.46	318.17	Do.
Do.	760	26	20.7	15.46	318.17	Do.
Do.	760	27	20.7	15.46	318.17	Do.
Do.	760	28	20.7	15.46	318.17	Do.
Do.	760	29	20.7	15.46	318.17	Do.
Do.	760	30	20.7	15.46	318.17	Do.
Robert Beale	761	10	54.10	15.46	847.67	Do.
Do.	761	11	54.10	15.46	847.67	Do.
Do.	761	12	55.0½	15.46	850.92	Do.
George F. Gulick	761	13	55.0½	15.46	850.92	Do.
B. O. Greenwell	761	Of 14	23.0	15.46	355.58	Do.
Isaac Beers	761	Of 14	31.6	15.46	486.99	Do.
William Whithaft	761	Of 14 of 15	55.2	15.46	852.93	Do.
			658.10			
329.5 × 42.2 ÷ 9 = 1,543.51 square yards, at \$3.50 per yard..					\$5,402.28	
Per contract for fence and curb, &c					4,780.75	
					10,183.03	+ 658.10 = \$15.46 per running front foot.

WILLIAM FORSYTH,
Superintendent of Streets.

Approved.

C. H. HOLDEN, }
JOHN S. CROCKER, } Commissioners.

For value received I hereby transfer and assign unto Benjamin W. Cox and J. R. Spransey, their executors, administrators, and assigns, all my right, title, and interest in the assessment for paving and parking A street south, in front of squares numbered 760 and 761, and to the payments made therefor, and all benefits and advantages to be derived therefrom.

Witness my hand and seal this 25th day of January, 1871.
[SEAL.]

A. GRANT.

Approved January 25, 1871.

M. G. EMERY, Mayor.

Signed, sealed, and delivered in presence of —
SAM. CROSS.

This is to certify that this is a true copy of the assessment of squares in part 760 and 761, Washington, D. C.

GEORGE W. BEALL,
Assessor and Collector.

February 6, 1872.

List of persons having no real estate.

Culver, C. P.
Crane, J. H.
Bisted, C. A.
Cushing, J. A.
Cole, T. P.
Drew, J. W.
Crown, C. T.
Eggleston, Jos.
Bishop, D. J.

Dungan, J. T.
Beans, N.
Eubank, J. H.
Elliott, V. T.
Cassana, F.
Abraham, J.
Block, B.
Bond, W.
Becker, J.

Franklin, Samuel
Davis, D. R.
Brashear, T. N.
Fisher, Adam
Cumiskey, John
Brinkman, August
Fair, D. J.
Fulton, H. K.
Adams, W. G.

Flick, J. H.
 Duncanson, C. C.
 Cara, E.
 Fox, M.
 Ehlslayer, A.
 Dubois, L. J.
 Allen, J. W.
 Bawsel, Edward
 Campbell, R. T.
 Bremerman, S. H.
 Barnard, John J.
 Bogus, A.
 Cox, G. W.
 Demongeot, N.
 Chappell, O. P.
 William Coke.
 Batt, John
 Dickson, E.
 Abrahams, J.
 Bolter, James
 Bray & Brother.
 Buel, D. E.
 Clary, John C.
 Deeter, O. R.
 Beveridge, C. C.
 Coyle, H., & Co.
 Brecht, C. H.
 Crippler, C. H.
 Foley, A.
 Claxton, R. W.
 Burchard, E. M.
 Baumgarten, H.
 Cabell, T. E.
 Dunning, S. A.
 Adler, A.
 Eiholtz, F.
 Bromager, Charles
 Allen, A. R.
 Fletcher, W. S.
 Bellew, James
 Cremer, E. F.
 Cox, B. W.
 Evert, C. L.
 Drinkard, W. R.
 Collinsworth, A. D.
 Columbus, Charles
 Epps, William
 Dipple, D.
 Dove, R.
 Essex, W. T.
 Biobener, E.
 Fields, George W.
 Enders, J.
 Dennison, W. E.
 Bates & Bro.
 Burdette, P. G.
 Baker, J. C.
 Buckhagen, William.
 Eiseman, G.
 Can, S.
 Fletcher, F. W.
 Bogus, George.
 Foster, Thomas.
 Adams, J. Bad.
 Farquhar, Charles.
 David, A.
 Crockwell, J. R.
 Cohen, A.
 Caton, J. R. D.
 Bartholomew, W.

Bret, W. F.
 Barbour, B. R.
 Dove, G. M.
 Claton, T. G.
 Davis, H. F.
 Duffy, P. J.
 Frankel, L.
 Floeckher, G. G.
 Drain, R. H.
 Angerman, T.
 Tiel, W. H.
 Behrand, A.
 Ellis, J. D.
 Fisher, Adolf.
 Ball, C. A.
 Bernard, E. M.
 Essingen, J.
 Baum, H.
 Behrend, B. H.
 Ballauf, D.
 Bogan, C. J.
 Brown, James M.
 Enders, John.
 Baar, Lewis.
 Adler, H.
 Deimer, J.
 Fowler, T. W.
 Caldwell, J. L.
 Berberish, R.
 Dasby, H. D.
 Butt, W. B.
 Eberly, W. A.
 Besker, J. H.
 Eberly, G. C.
 Beckman, A. T.
 Collins, F. H.
 Beal, G. W.
 Cohen, H.
 Finch, J. D.
 Eubank, James.
 Fowler, E. M.
 Fowler, A.
 Coughlin, John.
 Brooks, A. M.
 Davidson, W. A.
 Cunningham, R. G.
 Hoffman, L.
 Miller, F. E.
 Loughran, J.
 Mahoney, M. F.
 Morris, John E.
 Herdenheimer, E.
 Hirsh, M.
 Kraak, H.
 McDonald, H. J.
 Mattingly, J. H.
 Hollingshead, S. O.
 Kaufman, H.
 Mildman, A.
 Langley, W. A.
 Gardener, James.
 Lipscomb, E. A.
 Himmo, W. T.
 Howard, E. D.
 McCabe, D.
 Hancock, John.
 Gibson, George G.
 Lepreux, E.
 Grupe, Albert.
 Goddard, Matthew.

Lowe, J. D.
 Hoover, O.
 Lefain, E.
 Jackson, T. A.
 Harvey, W. E.
 Heller, S.
 Hare, P. O.
 Mitchell, K. P.
 Hall, H. W.
 Neale, B. J.
 Lowe, W. J.
 Garner, S. G.
 Johnson, Adolf.
 Matthews, F. L.
 Hood, Benjamin L.
 Lindsay, T.
 Michailles, A.
 Ghiselli, Angello.
 Howard, G. W.
 Kay, J. W.
 Hynes, Patrick.
 Hactings, C. W.
 Neale, W. H.
 Lewis, Max.
 Kraft, George.
 Gooch, H.
 Lyman, William.
 Moses, S. P.
 Kuhn, George.
 Kretchmar, J. C.
 Noot, L.
 Leonard, E. H.
 Luking, T. E.
 Murray, T. W.
 Kessler, J.
 Litchfield, H. T.
 Kennedy, J. W., & Co.
 McIntire, W. C.
 McIntire, A. L.
 Grimes, J. R.
 Mardock, R.
 Martin, J. T.
 Newman, W. T.
 Miller, H. H.
 Hyde, R. A.
 Greer, J. R.
 Lowry, James.
 Hynes, E. H.
 Gesare, C.
 Harrison, C.
 Goodwin, J.
 Kintz, L.
 Kaufman, N.
 Kervin, F. M.
 Herrell, C. E.
 Hollar, C.
 Jones, R. T.
 Kilman, J. T.
 Hunter, J. R.
 Lewis, R. C.
 Gasch, T.
 Hayes, R. E.
 Harrison, John.
 Langdon, Geo. T.
 Jones, W. O.
 Hahn, William
 Kimmell, H.
 Jasper, H. J.
 Goat, A.
 Lovedale, J

Kimmell, B.	Gotthelf & Behrend.	Steele, C. H.
Henderson, Thomas.	Mator, Charles.	Randall, M. E.
Hollerman, J. B.	Hartings, Charles.	White, U.
Langley, R. G.	Kiel, Henry.	Schoomaker, L. F.
Noonan, C.	Lanckton, H. F.	Preaby, Charles.
Moreland, W. M.	Holmes, C. H.	Rohrer, T.
Needham, T. J.	Moran, W. H.	Schwartzberg, H.
Hucneton, T.	Moran, W. F.	Spearing, S. J.
Mohler, J. T.	Galto, G.	Williams, F. H.
McEwen, M.	Gattrell, O.	Schevin, William.
Jarvis, Thomas.	Galt, M.	Ourand, F. S.
Morrell, O. T.	King, C. J.	Woodmitt, J. P.
Holmes, George.	Holmes, Alexander.	Roman, L. F.
Heustis, N. H.	Hammond, John.	Prindle, George S.
Noland, H. J.	Severson, Benjamin.	Waggaman, J. F.
Keen, N. B.	Wells, J. C.	Rich, M.
Horner, J.	Peard, C. G.	Rosenthal, A.
Holmes, James	Sodden, James.	Sparrow, W. T.
Hewitt, E.	Rodevaugh, D.	Wright, E.
Jones, B. C.	Ruppell, H.	Rosenblatt, S.
Nilson, John.	Tucker, S. W.	Schiller, M.
Heilburn, L.	Ottman, W. H.	Williams, A. K.
Haineton, A. L.	Oyster, James F.	Smith, H. R.
McMurray, R.	Plyer, George.	Smolinski, J.
Kolb, Daniel.	Rider, S. S.	Stone, J. P.
Gladmon, A. B.	Reed, A. L.	Schmidt, J. J.
Lawrence, J. P.	Wallace, P.	Steele, T. M.
Landsburg Bros.	Wallach, J.	Parker, T. E.
Norwood, G.	Snook, D.	Roth, B.
Melling, G., jr.	Weigman, F. C.	Walter, C.
Neidfeldt, F.	Vorhees, H.	Pitcher, C. A.
Matterson, Val.	Sacks, J.	Pennell, S. G.
King, H., jr.	Zeller, N.	Stram, H.
Johnson, Charles W.	Wagner, T. J.	Risley, Z. H.
Johnson, J. L.	Shillen, L. P.	Thompson, Joseph.
Jimerson, J.	Queen, J. B. A.	Parkinson, W. G.
Hart, G. A.	Volkert, R.	Tribby, Charles.
Lloyd, B. F.	Smith, Rufus.	Wilmarth, J. G.
Glendell, W. B.	Reese, D.	Young, J. C.
Marggia, C.	Zain, C. M.	Valentine, L. E.
Gusdorf, B.	Tinaglia, S.	Wehl, Max.
Howard, J. W.	Schriftgiesser, E.	Salter, F. A.
Kopp, E.	Thorn, C. G.	Pervin, G. A.
Hemricks, R.	Tansill, T. W.	Smolisky, S.
Kummers, Mrs. H.	Scott, C. G.	Sutherland, J. L.
Hackett, William.	Stanley, John.	Rothrock, L. J.
Knoor, E. A.	Queen, B. F.	Sebzen, P.
Moling, J. T.	Witherow, L.	Sadler, C.
Lucas, J. F.	Tilley, W.	Waldkoning, V.
Meikle, D.	Zimmerman, A. M.	Seitz, George.
Lascelle, H.	Ryneal, George, jr.	Ross, Joseph.
Moran, J. H.	Taylor, H. R., jr.	Sprosser, Chris.
Henel, N.	Whitehand, J. H.	Perry, J. H.
Hollman, M.	Williams, George A.	Schaeffer, J. J.
Herbert, D.	Scheller, T. K.	Thorp, J. E.
Kalhert, A. P.	Pike, B. D.	Thatcher, S. M.
Henning, George C.	Werdeman, George W.	Spelshouse, W. H.
Helmus, William.	Wheelock, A. N.	Weaver, J. G.
Leeds, A.	Perkins, George W.	Peyser, P.
Harvey, George.	Perkins, Z. H.	Stone, N. R.
Gotthelf, J.	Silby, O. W.	Wylie, W. H.
Gotthelf, D.	Perkins, J. W.	Wahl, John.
Newton, C. P.	Wright, Charles F.	Sardo, N.
Johnson, Thomas S.	Orrell, F. W.	Smith, Thornton.
Holmead, S. R.	Upperman, E. M.	Pierce, Thomas.
Holmead, A.	Tinker, J. W.	Olcott, H. A.
Murry, J. S.		

Four hundred and thirty-six who pay no taxes whatever.

COLLECTOR'S OFFICE, DISTRICT OF COLUMBIA

Washington, D. C., March 29, 1872.

I hereby certify that the following-named "memorialists," complainants against the board of public works and the government of the District of Columbia, are not assessed upon the tax-books of this office for any real estate whatever, to wit:

Abaheu, ———.
 Afutz, W. G.
 Anderson, W. D.
 Amas, K. L.
 Anthony, S. H.
 Bates, A. E.
 Barron, J. O.
 Brooke, J. W.
 Brooks, John L.
 Buon, Samuel.
 Bruce, D. E.
 Berberich, Robert.
 Birch, Isaac.
 Barron, W. H.
 Bradt, A. H., & Son.
 Barnes, H.
 Bookman, H. D.
 Barnard, John J.
 Baker, J. C.
 Cissell, E. E.
 Cox, R. W.
 Copley, B. D.
 Clinkscales, ———.
 Collostone, Gonger.
 Cohen, Chris.
 Curtin, John.
 Copley, G. W.
 Crown, John O.
 Ciman, Pasquelle.
 Cox, Benjamin W.
 Cyndebaur, J. A.
 Cherest, John.
 Crautman, B.
 Doyle, James T.
 Dellzell, A. W.
 Dudley, C. E.
 Euchs, M.
 Elms, James W.
 Enhol, Fred.
 Endery, Thomas M. H.
 Fister, J. V.
 Falkert, R.
 Foster, John V.
 Freuzel, Louis.
 Fry, T. E.
 Fillow, Benjamin F.
 Getty, C. D.
 Gladnor, S. R.
 Goodman, S.
 Gill, D. G.
 Gibbons, W. F.
 G——, Mrs. M. J.
 Grimes, William K.
 Hyde, G. F.
 Hanel, Albert.
 Hame, William C.

Hanlen, J. H.
 Hegemann, Tol. Ch.
 Holmead, Charles H.
 Heard, John F.
 Haner, William.
 Hunter, T. R.
 Haughey, Philip.
 Hallinan, James B.
 Harvey, James C.
 Jackson, D.
 Jardinston, James.
 Joyce, F.
 Kasserow, Ch. Von.
 Koppel, H.
 Kauffman, E.
 Ludecke, F. I.
 Lipscomb, I. T.
 Lawrence, John P.
 Langley, R. G.
 Lydane, John.
 Levis, C.
 Lessington, G. W.
 Lawrence, Brooke L.
 Lamb, A.
 McMahony, B.
 McNally, Michael.
 McLeod, Wilf.
 McQuillan, Edward.
 McQuillan, John J.
 McKenna, F.
 Moelich, Fred.
 Milburn, C. W.
 Moore, Jordan W.
 Marr, A. N.
 Marbonnel, Fried.
 Murray, James E.
 Manks, W. M.
 Mason, Samuel M.
 Murdock, Charles.
 Matthews, E. L.
 Nordlinger, B.
 Nordlinger, N.
 Ninnahan, P.
 O'Donnoghue, Thomas.
 Offutt, John R.
 Oskee, H.
 Owen, W. E.
 Ogle, C.
 Ortoengiley, F.
 Perrie, G. A.
 Payne, William H.
 Payne, J. J.
 Park, G. A.
 Pyriton, Vito.
 Perkins, Daniel.
 Pasco, M. F.

Pettit, Charles H.
 Painter, Benjamin.
 Purfyver, Grupt.
 Pitcher, C. A.
 Ratcliffe, James W.
 Ripley, Z. Howe.
 Rosenthal, E. S.
 Resary, Joseph E.
 Robinson, D. F.
 Randler, H.
 Stevens, Samuel S.
 Seymour, W. F.
 Stettinger, Henry.
 Shekell, R. R.
 Strasburg, H. L.
 Scheickle, Dr. A. B.
 Stickney, F. G.
 Sproesser, Christ.
 Smith, Thornton.
 Schmidtman, H.
 Shaw, W. I.
 Spaulding, John.
 Sis, John H.
 Schlezinger, G.
 Sikes, Joseph.
 Schoenken, Dr. L. F.
 Shorb, J. E.
 Shanks, James F.
 Smith, Rufus.
 Trunnell, Charles H.
 Trunnell, F. I.
 Tanner, Samuel.
 Tanner, Joseph A. J.
 Toms, James M.
 Threcker, D. W.
 Tennyson, John.
 Treyillo, M.
 Taquil, M.
 Tavis, C. M.
 Taff, George T., & Son.
 Thillen, J. L. P.
 Tinker, J. M.
 Thomford, Joseph.
 Volland, Conrad.
 Viris, C. Buona.
 Wheeler, T. C.
 Wells, J. Y.
 Walter, C.
 Whitehand, S. A.
 Wetzrick, J.
 Watery, S. M.
 Watson, A.
 Yates, A. S.
 Zetchfield, H. T.
 Zle, Charles T.

Total number of memorialists who pay taxes, 166.

Respectfully submitted,

W. H. SLATER,
Collector.

Memorialists owning real estate in District of Columbia, with valuation and tax.

Names.	Amount.	Tax.
Todd, William B	\$380,846 00	\$6,474 38
Todd, William B., and William H. Philips, (joint owners)	15,395 00	261 72
Todd, William B., <i>et al</i>	51,068 00	868 16
Todd, William B., (county)	47,385 00	402 77
Purdy, John	185,166 00	3,147 82
Penney, William H.	35,241 00	379 35
Webb, William B	9,199 00	156 38
Webb, William B., (county)	550 00	4 98
Polkinhorn, Henry	50,906 00	865 40
Thompson, Thomas J	1,290 00	21 93
Stevens, E. J	548 00	9 32
Shanks, B. F	8,975 00	152 58
Warfield, W. R	1,108 00	18 84
Scroggins, G. W	658 00	11 19
Schneider, L. H	27,368 00	465 26
Simpson, E. F	4,992 00	84 86
Williams, Walter B	3,108 00	52 84
Toner, James M	12,171 00	206 91
Pyle, E. J	650 00	11 05
Wise, Samuel	8,218 00	149 71
Robinson, J. G	10,189 00	173 22
Smith, George S	1,238 00	21 05
Perry & Bro	48,729 00	828 34
Withers, James O	2,700 00	45 90
Tucker, John H	1,400 00	23 80
Trunnell, Joseph T	643 00	10 93
Taylor, M	6,397 00	108 75
Tucker, William	15,363 00	261 17
Stanford, W. H	3,505 00	59 59
Simon, J. W	2,618 06	44 51
Smyth, S	1,148 00	19 52
Walsh, M	1,898 00	32 27
Orme, F. M	827 00	14 16
Webb, John F	565 00	9 61
Robinson, J. H	2,119 00	36 03
Stott, Charles	86,141 00	1,464 40
Smith, T. W	3,244 00	55 15
Smith, J. S	12,564 00	213 59
Scott, George S	3,913 00	66 52
Walter, William	3,387 00	57 58
Throop, J. G	648 00	11 02
Simms, J. A	3,718 00	63 21
Wright, J. H	648 00	11 02
Smith, J. F	840 00	14 28
Turner, T. B	1,138 00	19 35
Voght, John	16,525 00	280 93
Walker, J. C	1,766 00	30 02
Shaffield, Joseph H	3,988 00	67 80
Regan, J. H	2,889 00	49 12
Plant, J. W	2,898 00	49 27
Taylor, J	1,868 00	31 76
Stromberger, J. H	2,439 00	41 46
Oppenheimer, S	2,256 00	38 35
Welsh, P	160 00	2 72
Seifert, John H	2,787 00	47 38
Stevens, E	548 00	9 32
Thorn, C. W	8,650 00	147 05
Shekell, B. O., and N. H. Henning	5,107 00	86 82
Tomlinson, J. S	1,510 00	25 67
Willner, E	1,674 00	28 46
O'Hare, C. S	9,420 00	160 14
Ruppert, M	4,881 00	82 98
White, M	2,087 00	35 48
Powell, W	7,610 00	129 37

Memorialists owning real estate in District of Columbia, &c.—Continued.

Names.	Amount.	Tax.
Thompson, J. F.....	\$1,980 00	\$33 66
Parker, H.....	3,341 00	56 80
Walling, J. W.....	1,051 00	17 87
ToId, William B., jr.....	20,329 00	345 59
White, C. H.....	6,203 00	105 45
Pierce, J. K.....	1,636 00	27 81
Zeller, F.....	2,320 00	39 44
Parker, William.....	1,920 00	32 64
O'Meara, John.....	2,623 00	42 59
Topham, J. S.....	4,819 00	81 92
Thorn, Henry.....	24,887 00	423 08
Owen, J.....	1,708 00	29 04
Waterholder, T. W.....	3,060 00	52 02
Prott, F.....	16,060 00	273 02
Seiver, H.....	15,137 00	257 33
Shepherd, W. D.....	8,509 00	144 69
Wylie, W. B.....	1,325 00	22 53
Pearson, Peter M.....	2,717 00	46 19
Yates, Jackson.....	2,177 00	37 01
Willner, George.....	38,428 00	653 28
Watson, J.....	2,137 00	36 33
Prather, J. T.....	66,187 00	1,125 18
Wilson, J. B.....	93,853 00	1,595 50
Walter, John.....	21,436 00	364 41
Sayne, J. L.....	948 00	16 12
Weyrich, J.....	16,291 00	276 90
O'Hare, George A.....	6,122 00	104 07
White, R.....	2,173 00	37 03
Talty, M.....	56,267 00	956 54
Williams, W. D.....	5,717 00	97 19
Pierce, William.....	2,244 00	38 15
Durant, Thomas J.....	15,944 00	271 05
Coombs, J. J., <i>et al</i>	2,228 00	37 88
Coombs, J. J.....	2,949 00	50 13
Coombs, J. J., (county).....	8,360 00	71 06
Davis, H. S.....	74,657 00	1,265 17
Davis, H. S., and A. Green.....	1,375 00	23 38
Davis, H. S., <i>et al</i>	66,775 00	1,135 17
Fitzgerald, J.....	921 00	15 66
Allen, S. E.....	2,690 00	45 73
Edwards, G. W.....	127 00	2 16
Edwards, J. F.....	1,962 00	33 35
Breed, Daniel M. D., (county).....	8,800 00	74 80
Burgess, J.....	1,556 00	26 45
Burch, C. J.....	10,280 00	174 76
Denham, L. J.....	2,540 00	43 18
Ball, John.....	3,337 00	56 73
Dietrich, Louis.....	776 00	13 53
Archer, Andrew.....	4,607 00	78 31
Alexander, E. F.....	5,644 00	95 95
Ashford, C.....	2,215 00	37 65
Coombs, M. R.....	33,025 00	561 42
Eichstatt, A. H.....	338 00	5 75
Bacon, S. H.....	8,784 00	149 33
Adamson, A.....	15,803 00	268 65
Bartlett, F. J.....	3,325 00	56 53
Clarke, Daniel B.....	43,005 00	731 08
Cohen, A.....	900 00	15 30
Callan, M. P.....	8,919 00	151 62
Byrne, P. A.....	14,488 00	246 29
Byrne, John, jr.....	559 00	9 50
Beall, L. A.....	190 00	3 23
Fishman, S.....	12,487 00	212 28
Dowders, B. D.....	1,017 00	17 30

Memorialists owning real estate in District of Columbia, &c.—Continued.

Names.	Amount.	Tax.
Barbour, Samuel S. G.	\$177 00	\$3 00
Forrest, William	7,018 00	119 31
Cummins, C. F.	3,344 00	56 85
Briel, M.	12,530 00	212 91
Becker, George	7,590 00	129 03
Foster, R. F.	1,224 00	20 80
Fenwick, Robert W.	15,559 00	264 50
Brown, Thomas.	25,138 00	427 35
Dillon, J.	751 00	12 77
Carter, R. W.	19,848 00	337 42
Eichler, William	15,100 00	256 70
Berry, W. C.	10,021 00	170 35
Adams, J. G.	40,976 00	696 59
Caden, J. P.	10,137 00	172 33
Bool, J.	11,908 00	202 44
Berbling, H.	10,901 00	185 32
Behrens, B.	4,080 00	69 36
Cissell, W. H. H.	5,561 00	94 54
Davis, G. F.	5,333 00	90 66
Burkhardt, H.	8,774 00	149 16
Alexander, C. M.	1,682 00	25 59
Ennis, John F.	3,906 00	66 40
Boyd, William	4,158 00	70 70
Champlin, E.	1,290 00	21 93
Bates, F.	10,154 00	172 62
Harvey, James E.	5,372 00	91 32
Johnston, M. P.	75,248 00	1,279 22
Moore, W. W.	8,837 00	150 23
Lloyd, Thomas E.	6,218 00	105 71
Godfrey, Charles G.	2,699 00	45 90
Jordan, P.	3,550 00	60 35
Hughes, Evan.	488 00	8 30
Mattingly, George	82,413 00	1,401 02
Newmyer, L.	10,991 00	186 85
Hoffer, H.	5,354 00	91 02
Kennedy, William	3,960 00	67 32
Hoover, A. M.	968 00	16 46
Hood, H. O.	48,644 00	826 95
Maury, J. M.	3,705 00	62 99
Kibbey, W. B.	130,481 00	2,218 19
Moore, Douglass.	63,736 00	1,083 51
Lenzberg, E.	4,612 00	78 40
Nailor, A., jr.	18,759 00	318 90
Lane, A.	416 00	7 07
McCutcher, J. H.	5,466 00	92 92
Harbin, George T.	1,355 00	23 04
Nevitt, Robert.	2,658 00	45 19
Grope, William.	12,872 00	218 82
Kennedy, G. E.	24,832 00	422 14
Murphy, Thomas.	1,498 00	25 47
Kirk, A. M.	773 00	13 14
Johnson, R.	3,398 00	57 77
Karr, J. K.	805 00	13 69
Kirk, G. E.	2,112 00	35 90
Moore, J. H.	824 00	14 01
Markriter, J.	32,668 00	555 36
Martin, C. C.	3,490 00	59 33
Hickey, L.	3,400 00	57 80
Mason, J. M.	1,943 00	33 03
McNerhany, F.	2,902 00	49 33
Kaufman, C.	11,940 00	203 07
Goddard, A.	7,755 00	126 74
Graham, John	759 00	12 90

Memorialists owning real estate in District of Columbia, &c.—Continued.

Names.	Amount.	Tax.
Kaiser, H	\$6,956 00	\$118 25
Lyon, J. E.	68,530 00	1,165 01
Harkness, J. C.	73,303 00	1,246 15
Larner, Noble D	1,426 00	24 24
McKenna, J	1,234 00	20 98
Kaiser, A	4,399 00	74 78
Mades, Charles	17,875 00	303 88
McRae, Daniel	3,800 00	64 60
Grant, A	27,991 00	475 85
Kooner, Frederick	24,949 00	424 13
Holmes, John	1,027 00	17 46
Kaiser, John	4,529 00	76 99
Hartman, H	1,146 00	19 58
Newralt, L	4,579 00	77 84
Harris, J. H.	100 00	1 70
Hartbracht, S	9,352 00	158 98
Morgan, J	10,236 00	174 01
Moran, H	22,238 00	378 04
King, J. F	854 00	14 52
King, Charles	937 00	15 93
McGraw, J	5,434 00	92 38
Total assessment	3,046,629 00	51,245 57

Two hundred and twelve who pay taxes and pay about 3 per cent. of the taxes collected in the district.

Names.	Amount.	Tax.
Burroughs, J. R	\$2,400 00	\$22 80
Block, L	752 00	12 78
Bartlett, F. J	3,325 00	56 53
Baur, George	31,171 00	507 61
Bergling, H	10,901 00	185 32
Choff, Christian U	5,900 00	56 05
Carter, J. E	3,199 00	54 38
Cowe, John T	3,600 00	34 20
Crow, T. B	3,150 00	29 93
Daw, R	35,100 00	333 45
Davis, Henry F	11,638 00	98 92
Fisher, H. W	2,700 00	25 65
Foster, Robert F	1,224 00	20 81
Getty, G. F	200 00	1 70
Guild, James	604 00	10 27
Given, John T	12,743 00	216 63
Goddard, James	22,650 00	215 18
Harton, William S	4,604 00	64 46
Hicks, John H	951 00	16 17
Jackson, Thomas	15,361 00	63 61
Kroeger, John G	587 00	9 99
Kaiser, H. A	3,500 00	33 25
Lowe, P. W	5,000 00	57 75
Larrensi, Marco	2,986 00	50 77
Manoge, James	2,000 00	19 00
McCauley, John	2,445 00	41 57
Moran, M. F	254 00	4 32
Moore, F. L	3,100 00	29 45
Milburn, F. P	3,200 00	30 40
Memmert, C	14,600 00	138 70
Neuman, T. A	28,421 00	300 91
Naylor, A., jr.	18,759 00	318 91

Names.	Amount.	Tax.
O'Connor, James	\$837 00	\$14 33
O'Donnoghue, John	1,100 00	10 45
O'Meara, William C	37,119 00	631 03
Ossinger, John	2,371 00	43 31
Rhodes, George	5,000 00	47 50
Ridgeway, J. H	3,500 00	32 25
Shoemaker, D. L	23,500 00	127 50
Shoemaker, Edward J	4,750 00	162 59
Sommers, H	2,961 00	50 34
Sheickele, C. F	5,500 00	33 25
Saundry, Kennedy	1,350 00	14 75
Schmidt, L	23 00	39
Trunnell, E. A	13,100 00	124 45
Trunnel, R. H	1,400 00	13 10
Turvey, Thomas	4,200 00	39 90
Thomas, William	23,498 00	380 55
Talbert, Robert E	4,000 00	38 00
Vanderwerker, James B	1,700 00	16 20
Upperman, William Henry	20,375 00	346 48
Wilson, A	4,862 00	82 66
	417,171 00	5,270 41

COLLECTOR'S OFFICE,
Washington, D. C., April 8, 1872.

I certify that the foregoing is a correct list of the memorialists who own real estate, the assessed value thereof, and the taxes assessed thereon.

W. H. SLATER,
Collector.

Total assessment of property owned by memorialists, (166 persons)	\$3,463,800 00
Tax paid by them	56,515 98
Total assessment of property in District	86,225 615 00
Total tax levy	1,221,073 12

Proportionate percentage of total tax paid by memorialists, 4½ per cent.

Proportion of valuation of property owned by memorialists, 4 per cent.

WASHINGTON, D. C., April 9, 1872.

A. R. SHEPHERD recalled.

By Mr. CHANDLER:

Question. State the action of the board of public works with reference to the canal; their policy with reference to filling it up, and their action in reference to the contract of Teemyer & Co.—Answer. Some time in April, of last year, in the deficiency bill, a clause was inserted transferring to the board of public works the powers before exercised by a commission for the improvement of the Washington Canal. Shortly after the board took the subject into consideration we made two or three close observations of the question. Mr. Mullett from the outset favored closing it. At the first blush the other members looked at the plan as rather radical. Finally, we concluded, upon full deliberation, to fill up the canal between Sixth street and Maryland avenue, and to build a sewer as a continuation of the Tiber arch down past Maryland avenue. We thereupon began, and after proceeding for a time, came to the conclusion in October that it would probably be better to fill up the whole canal. General Green, the engineer, reported favorably upon the project, and the board concluded to stop the work of dredging then going on under the old contract, with a view to filling up the canal and making of it a sewer. All the contracts with Teemyer & Co., except that in relation to James Creek, were a part and parcel of the acts of the commission, with which we had nothing to do. We found that the dredging had been done as far as they could consistently do it, for the walls having been laid on the mud, it was impossible to dredge successfully. The board told the contractors they had better begin at the Seventeenth street side; and they did so.

Q. Your present plan is to fill the canal entirely from Maryland avenue to Seventeenth street?—A. Yes, sir. We contemplated filling only to Fourteenth street. To leave the other portion open between Fourteenth and Seventeenth streets would, however, prevent the carrying out of the park project, which we are all anxious to have done. If that part is filled up, then there can be a beautiful connection for the park across to the Monument grounds.

Q. State whether the canal has been lately, or would be likely to be if dredged and kept open, of any commercial importance to the city.—A. It is not possible. I think that the dredging of it is not practicable without large expense, and without any compensating good. I happened to see a paper the other day which shows a remarkable fact in this connection. It is a certificate from Mr. Severson. His statement shows that the idea of dredging out the canal is hardly feasible. It is as follows:

“\$3,592.40.

WASHINGTON, June 6, 1867.

“SIR: Mr. Peter Macnamary, having completed his contract for excavating on the canal, which is dated November 15, 1866, I hereby certify that his work under the contract amounts to \$2,783.40, and that while thus engaged in excavating, large quantities of earth, sand, and *débris* has at different times been washed in on the parts partially excavated by the contractor, in such a manner as to make it impossible to make an exact measurement of these additions, and which have been removed by the contractor; consequently I have been under the necessity of using my judgment in such matters, and I have also availed myself of the individual opinions of members of the canal board, Messrs. Coyle, Forsyth, Wise, and Hepburn—the result of which is a conclusion that a fair adjustment requires an allowance of \$2,009, which, added to the foregoing, makes a total of \$4,792.40; on which has been paid \$1,200; deducting which from the sum total, leaves a balance of \$3,592.40; for which sum please cause a warrant to be issued in favor of the contractor.

“B. SEVERSON,

“Engineer in charge of the canal improvements.

“Hon. RICHARD WALLACH, Mayor.”

“Indorsed: Received the within three thousand five hundred and ninety-two dollars and forty cents.

“MOSES KELLY, Cashier.

“NOVEMBER 22, 1867.”

This document shows that while dredging out, the amount paid for which was \$2,700, the same amount washed back again; and such has been the experience in dredging so far back as my recollection extends.

Q. So you think the process of dredging would be a continuous expense to the District?—A. I know it would, without any compensating advantage.

Q. State what use has been made of the canal within your knowledge for commercial purposes.—A. One of my earliest recollections is of the canal. I recollect the time when flat-boats and scows were polled along the stream; but often got aground and were compelled to await the tide to float again. I do not think anything but a snake or an eel could have gone through the portion of the canal near Maryland avenue.

Q. What is your opinion of the James Creek Canal?—A. That is a very commendable enterprise; it is the original canal, as laid out by Washington and his engineers.

Q. You believe that the James Creek may be made available?—A. I have no doubt of it; you can get from 6 to 10 feet of water there.

Q. With reference to the water-front of Washington, what is your idea in regard to it for the future?—A. My idea is, that if you close the canal, the health of the city of Washington requires the reclamation of the flats south of the Monument grounds. There are two plans: one to make an island of the flats and open a channel on this side; in that case the sewerage of the channel would go close to the Monument grounds. If the other plan is carried out, which requires filling up toward the Georgetown channel, there will be reclaimed about a thousand acres of land, which would pay for the expense of the improvement and give us a magnificent river front, with a channel 1,000 feet wide. Something of that kind must be done in order to preserve the health of the city; for the malaria will continue to rise more and more from the flats; heretofore they have been principally covered with water; but the aggregation has been so rapid, the deposit has been so great within a few years, that the flats are out of the water a considerable portion of the time.

By Mr. CHIPMAN:

Q. Do not these flats collect a large proportion of the sewerage matter from the city?—A. Yes, sir; it all lodges along the shore and along those flats. I think that the filling up of the canal cannot fail to have a favorable effect upon the health of the city; besides, the property in that vicinity will become valuable, as it is near the proposed park.

By Mr. HARMER:

Q. Have not the United States Government been expending considerable money at the mouth of James Creek?—A. Yes, sir. I would like to submit an opinion of Professor Henry

on the canal subject, in which he takes very strong grounds for filling it up. The opinion is as follows :

" SMITHSONIAN INSTITUTION, *Washington, May 8, 1871.*

" DEAR SIR: Your invitation to attend a meeting of the board of health, for a conference with reference to the canal, has just reached me, and I hasten to say that a temporary absence from the city will prevent my being present on the occasion designated. I beg leave, however, to embrace the opportunity to express my views briefly, in writing, in regard to the subject for discussion at the meeting in question.

" In my opinion there is no subject of more importance to the future welfare of this city than the adoption of efficient measures to remove the opprobrium which rests upon the authorities and citizens of Washington, for so long suffering the continuance of so conspicuous and disgusting a nuisance as that of the Stygian pool, falsely denominated the 'Washington Canal.' There is nothing comparable with it, in any city of the same importance as Washington, in any part of the civilized world. It is said that the invention of Cologne water was due to the filth of the city of Cologne; but, at the present time, nothing exists in that city, and probably nothing ever has existed there, which could exceed in pestilential exhalations the object of your conference. An open cesspool receiving the sewage of a city directly in its midst, is inconsistent with the intelligence of the age, and, while a fruitful source of discomfort and disease, cannot be otherwise than a disgrace to the community in which it exists. Should an epidemic like the cholera again visit this city, the effect of the canal, in its present condition, would probably be deleterious in the extreme.

" As to the abatement of the nuisance, I can suggest but a single method, which is, to obliterate the canal, and supply its place with a covered sewer. To dredge it would be entirely ineffectual, especially so long as the water remains stagnant, or receives no greater agitation than that now produced by the ebbing and flowing of the tide. This only tends to hasten the fermentation of the feculent matter by the supply of a larger quantity of oxygen. It is well known that at the point where the sewer of a city enters into the deep water of a river, the exhalations are abundant and continuous. The process is one by which water is purified, while the air is contaminated. On one occasion, when crossing the Tenth street bridge, near nightfall, while the canal was flooded with water and the sky was covered with clouds, I was accosted by a gentleman, who requested an explanation of the remarkable phenomenon he was contemplating, viz: that while on either side the bridge a copious shower, apparently of rain, was falling into the canal, on the bridge itself it was perfectly dry. The explanation, I replied, is simple: the agitation of the water you observe is not produced by drops of the pure element from the sky, but by bubbles of noxious vapor from a lower region.

" To say that the solution of the problem of doing away with the canal as a sewer is impossible, without involving an expense beyond the means of the city and the Government, is to assume that the nuisance must ever continue, to the detriment of almost every household in the District, besides furnishing the best argument for the removal of the Capital. I am confident, however, that the problem *can be solved at a reasonable cost.* To hold a contrary opinion would be to disparage the engineering talent of the country.

" I hope the earnestness of my remarks on this subject will be excused, since an easterly wind scarcely occurs when the residents around the Institution are not seriously affected by the effluvia from the canal; and, furthermore, since no stranger visits the Institution without having his sensibilities shocked and his indignation aroused by the existence of so flagrant a nuisance within sight of the Capitol of the nation. Indeed, some time since a violent attack was made on the Institution by a New York medical journal, for not, as it said, 'more effectually diffusing knowledge to the benighted authorities of Washington, on the subject of sanitary reform.'

" I cannot, at this time, enter into details respecting the subject of your meeting, since I am on the point of taking the train for Baltimore. I trust, however, to have another opportunity to discuss the matter, as well as to examine the various plans that have been and may be proposed for removing the evil in question.

" In the mean time, I am, very truly, your obedient servant,

" JOSEPH HENRY.

" C. C. COX,

" *President Board of Health, Washington, D. C.*"

By Mr. CHANDLER:

Q. That was one of the matters on which the board acted?—A. Yes, sir.

Q. Who else advised it?—A. General Babcock and General Green. The board of health had condemned the canal as a nuisance. There was a pretty general feeling in favor of filling it up.

Q. Do you remember the opinions given by General Meigs and Captain Patterson on the subject?—A. I think the advice was that a closed sewer should be put in, to carry the sewerage into deep water. General Meigs, I believe, thought so, and Captain Patterson rather coincided with his views.

Q. Can you conceive of any reason for keeping open the canal, if intercepting sewers are to be constructed as proposed?—A. None in the world.

By Mr. ELDRIDGE:

Q. Why not, if that was originally constructed for a sewer?—A. I do not think it was originally constructed for anything. Forty years ago, General Ramsay states, the water in the channel, south of the Monument grounds, was 20 feet deep, and I have been in swimming there when it was nearly as deep as that. But obstructions have formed across the channel by the earth coming down the river and flowing out of the canal, so that the channel is now nearly filled up. The sewerage empties on those flats and comes close up to the shore. There is no flow of the current to carry it away.

Q. What settlement has been made with Teemyer & Co., and what were their reasons for agreeing to pay the amount fixed upon?—A. When the board of public works determined on filling up the canal, they notified the contractors to have their work measured, in order that the matter might be settled. The contractors demurred somewhat. There were some points reported upon by General Green as not having been done in conformity with the contract; there was some insecurity of the walls, and there was a defect in the manner in which the piles had been driven. The contractors came before the board of public works and represented their view of the case, contending not only that they had complied with the contract, but had even exceeded it, and submitted a memorandum of what they thought they were entitled to over and above the contract price, being a sum of \$36,000 or \$37,000. After a good deal of higgling, an agreement striking out all the extras was concluded upon the actual measurement.

By Mr. COOMBS:

Q. By the manner in which you refer to General Meigs's communication, you leave the impression on the minds of the committee that General Meigs recommended a sewer if the canal was to be filled, to carry out the sewerage as well as the flood. [Mr. Coombs here read from the report of General Meigs, on page 200 of the printed testimony.]—A. We provide for carrying a large part of the sewerage off without entering the canal at all. I do not think that General Meigs took into consideration the present plan of sewerage, which will greatly diminish the amount that will be emptied into the canal.

Q. At what time did the board of public works commence cutting down F street to its present grade?—A. It was begun in May, under the appropriation. After the grade was established, it was determined to go on, and the work was continued until stopped by the injunction.

Q. You stated that the work of cutting down Nineteenth street was not commenced until after the act of the 11th of August was passed?—A. I do not think it was.

Q. Recollect, and answer this question, whether Nineteenth street was not cut down north of F street to its present grade previous to the 24th of June.—A. I know it was not.

(The counsel here referred to his own experience while passing to the house of Mr. Webb, on the evening of the 24th of June, when he found, on coming to Nineteenth street, that it was cut down as low as it is now, and there having been a heavy rain he found a great amount of water in it. This being the only time he had visited Mr. Webb's house, and Mr. Webb having furnished him with a certificate that his call was made on the 24th of June, he was convinced that this cutting down must have been made before that time.)

By Mr. CHANDLER:

Q. I wish to ask you about the improvement on Seventh street. What do you know of the original estimate for that, and of the necessity and expediency of the improvement?—A. The original estimate was \$25,000. But when the work was begun, it was found that it would cost considerably more than the estimate. We did not consider that we were bound by that estimate, as we had an appropriation of \$500,000, and there were no restrictions upon the amount. Seventh street leads north to the counties of Maryland, and has been for the last eight years in a very horrible condition, being left so partly in consequence of the great amount of travel over it during the war with heavy teams. The levy court tried for several years to obtain possession of the road, and finally Congress passed a law authorizing the Government to buy it, and that and the Bladensburgh road were purchased for the sum of \$14,000. The road was never graded. The toll company, however, had charged toll upon it for forty or fifty years, but did nothing to the road. It was considered a necessity to put it in good condition, and it was determined to do so, and when completed it will be a magnificent road.

Q. The figures stated by Mr. Carpenter, you think, are nearly correct?—A. Yes, sir; I think they are.

Q. State whether this improvement was projected with a view to furnish better facilities to running a horse railroad up there.—A. No such idea was entertained at all. We were badgered by the Schuetzen people to carry a road to the top of the hill and to the toll-gate. But I do not think anybody had an idea of extending the railroad beyond the boundary.

Q. Describe the character of the country from that point to the District line, with reference to its needing a horse railroad.—A. There are not fifty residences on the way to Silver

Spring. The land is owned in large tracts, and I should consider a horse railroad an unmitigated nuisance.

Q. Have you any idea there will be a horse railroad to Silver Spring within the next five years?—A. No, sir; unless people have more money than brains.

Q. It has been suggested that you have a farm or country residence near the end of the Seventh street road. Is that true?—A. It is.

Q. How far has your residence there had any influence in determining your appropriations for the Seventh street road?—A. None whatever. I use the Fourteenth street road in the summer. The Seventh street road is simply for the supply of the city from the country, for the bringing in of produce such as is needed. It is a road that I never use, and I do not drive on it twice in a year.

Q. State, if you are able, whether or not you would have decided upon the same repair and reconstruction of the road if you had not resided there?—A. I should most undoubtedly have done so. Nothing has more retarded this place, and kept the price of provisions so high, as the bad roads leading to the city. The time has been when those who had any kind of market stuff would sooner take it to Baltimore than bring it here, because of the bad roads inside of the boundary of the District—seven miles. Beyond that line the roads are good; they are macadamized.

Q. Then you would confirm Mr. Carpenter's written statement on that subject?—A. Entirely so.

Q. Do you know, at either election under the District government, of any importation of voters into the District?—A. I do not know of one person casting an illegal vote. Voters are closely watched, and would have been found out if acting illegally.

Q. Was your relation to the canvass such that if there had been any importation of voters you could have been likely to know it?—A. I should; but I do not believe there was an imported vote cast.

Q. State how the District government happened to spend so large sums of money for advertising the loan in the newspapers of the District?—A. I think that this advertising business is an abuse that has crept into vogue here from the example of the General Government—a bad example too. Advertisements given by Government to one paper are copied by the others, which trust to luck for payment, and in most instances get it. So it was under the old corporation; if there was an advertisement inserted in one paper, the others would copy it and then go to the boards of aldermen and common council and secure an appropriation. Nobody wanted to fight the newspapers, for they are generally impecunious and manage to get sympathy and secure pay for advertisements. Frequently these advertisements were copied into half a dozen papers without authority.

Q. Do you think the expenses of the advertising of the loan act, submitting the subject to the people, was, on the whole, beneficial?—A. I think so: it gave the people an opportunity to know what was going on; they voted understandingly.

Q. Did you see the statements of Gov. Cook upon this subject?—A. I did; I agree with them.

By Mr. ELDRIDGE:

Q. What proportion of the advertisements were ordered by the board of public works?—A. None at all. We paid out some \$5,000, or thereabouts for advertising for various matters. The advertising of the loan was placed in the hands of the District authorities, the governor and secretary; the board of public works had nothing to do with it.

By Mr. CHANDLER:

Q. There has been something said about Mr. MacNamara's contract on North Capitol street. Were you familiar with the circumstances of that contract?—A. No, sir. He had the contract from Bowen. Some time after we came into power he wanted to know what he was to do about it. I think Mayor Emory also gave him a contract for laying some foot-pavement on North Capitol street.

Q. There has been some evidence put in in relation to the purchase of property made by you, the Gilman farm and other property on the Tiber. Have you any statement to make on that subject?—A. I would like to sell the property for what I gave for it. In regard to the Tiber improvement, that was on our schedule originally, and the only question was, how it should be done. Some of the property purchased by me on the avenue, to which reference has been made, was bought long before the improvements were begun, and the owners sought me out, not I them.

By Mr. CRANE:

Q. (Referring to an article published in the Star on the 5th of August, in relation to the action of the board in purchasing certain articles,) he inquired if the articles referred to were purchased after advertising or in open market?—A. We advertised for pipe and curbing, and they were given out to the lowest bidder.

Q. Does that, as given by the engineer, include tile-pipe?—A. Yes, sir. The curbing and tile-pipe were about the only articles that we purchased. We did not buy any lime.

Q. What is the price of sand?—A. I am not in the sand business. I think it is worth from seventy-five cents to a dollar a load.

Q. Did not you think it would be for the interest of the tax-payers to put all the purchasing of these materials to the lowest bidders?—A. I have always done so. We buy by getting bids from different people, and buy nothing without competition, nothing whatever.

Q. You said yesterday there were no fixed grades in the city. Do you mean to be understood that there have never been any grades established here?—A. I said that the grades as given in the grade-book were imperfect; that very few of those given in the grade-book were those which actually exist.

Q. You have all the grade-books in possession of the board before you?—A. I have none of them; they were not considered accurate enough to be of any value.

Q. You stated that you were opposed to change of the grade on F street?—A. I said I was at first.

Q. Was it not decided upon before Messrs. Vandenburg commenced work?—A. It was not.

Q. How deep is the average of the grading upon that street?—A. From five to seven feet.

Q. How deep is it at Nineteenth and F?—A. About the same, I think.

Q. What is the deepest cut?—A. I think it is about ten feet.

Q. Were not the cellars of your house dug out to conform to this change of the grade?—A. They were dug out two years before I bought the property.

Q. At what time did you consider that the streets came under your control?—A. When we were appointed and qualified; about the 16th of March.

Q. When did you offer the bill to cut down F street?—A. I do not remember; perhaps on the 10th of April.

Q. Why did you ask of the mayor a right to do on the 10th of April that which you thought you had the right to do on the 16th of March?—A. The mayor and ourselves thought differently. We had a suit pending with the mayor at that time.

Q. Did you oppose the payment of Mr. Cullinane for the work on E street?—A. I protested against it in the board of aldermen, and denounced it as a swindle and a fraud.

Q. Do you know whether it has been paid?—A. I do not.

Q. Whom did you regard as guilty of fraud?—A. I considered the whole batch guilty.

Q. A statement sent in by the water-board shows that the board of public works has received and disbursed the water-fund. Will you state under what authority you paid out that money?—A. Under the authority of legislation transferring the power to us.

Q. Did the legislature transfer any powers to you that the water-board did not have before?—A. We have received and disbursed the fund.

Q. Do you know when Third street was torn up?—A. I do not.

Q. Was it not after the 1st of December?—A. It was not.

Q. Are you positive?—A. I am.

Q. Has there been no work done on that street since that time?—A. There has been some work done, which I have ordered the contractor to take up.

By Mr. ELDRIDGE:

Q. Why have you ordered it to be taken up?—A. Because it was a bad job.

By Mr. CRANE:

Q. Has there been any work done there since the middle of December?—A. I cannot state about the men employed there since that time.

Q. I notice that Joseph Fletcher has been paid \$3 a day for December and January for superintendence on Third street. How do you justify the payment of the \$3 to a man who has done nothing?—A. You are the only one who has said that he has done nothing. The street was torn up in August to put sewers down.

Q. Were there not remonstrances sent in just at the beginning of the winter against the tearing it up at that time?—A. Yes, sir; there have been a cord of remonstrances, and if the class of people you represent had not stopped us we should have had the street paved before winter set in.

Q. Why was the work suspended on Third street?—A. I have already stated that it was a bad job, and we refused to allow the contractors to go on. Then, after being delayed by the injunction the winter prevented us from proceeding.

Q. Why are so many men employed at G street wharf? What have they to do there?—A. They have been engaged in receiving material, in storing it, and in forwarding it.

Q. Have you delivered any material during the winter months?—A. We have; a great deal of it.

Q. Was there a company that offered to take the canal, some two years ago, and dredge it out, and pay the revenue to the city for its use?—A. Possibly.

Q. Did you ever sign a petition to have the canal opened and made navigable?—A. I may have done so; I wanted something done with it.

Q. You stated that the Government paid 42 cents for dredging James Creek Canal; how did you get that?—A. You have it here on file. It is in testimony on page 151, in the letter from William D. Wise.

(Captain A. Grant requested permission to put some questions to the witness, and the committee allowed him to do so.)

By Captain GRANT :

Q. Did you make these estimates which were presented here yesterday as the expenses of the improvements from Sixth to Fourteenth streets ?—A. They were made by the engineer of the board.

Q. Did you make the estimate of the cost of these streets to amount to only \$660,000 ?—A. Yes ; I believe the estimates footed up something like that.

Q. Are you familiar with estimating such work ?—A. I understand the multiplication table.

Q. Are you familiar with estimating, mechanically, as an engineer or otherwise, the improvements of streets ?—A. I think so.

Q. You estimated the cost on Thirteenth street, from F to N, at \$45,000 ?—A. Yes, sir.

Q. Look at that estimate and see if it is not correct from F to N, on Thirteenth street.—(Paper handed to witness.)—A. I will take this and analyze it at my leisure.

Q. I wish you to go to the map and show this.—A. I will not do it ; I have not the time. I shall be very happy to do it at my leisure.

Q. You stated that the principal improvements made are from Fourteenth to Second street, and from F to N ; and you say that this can be made for about \$1,000,000 ?—A. I spoke of that as the heart of the city, and said that the improvements in that section could be carried out for about a million dollars.

Q. Will you look at and see if you can recognize that estimate as correct for N street ?—(Paper handed to witness.)—A. It would take about three hours to go over these figures to see if they are correct.

Q. I want to know if that constitutes all the different streets that you mean within the bounds named ?—A. You have the paper there ; you can see for yourself.

Q. I wish you to go to the map and take the points from Second to Fourteenth streets, and from F to N, and state if that is one-twelfth part of the improved part of this city and Georgetown ?—A. I do not propose to go to the map. I propose to sit right here and say that I consider that the heart of the city. The bulk of assessments on property is there.

Q. I ask you whether that constitutes one-twelfth part of the improved portion of this city and Georgetown ?—A. I say that the assessment on that portion is about one-half of the whole property of Washington City.

Q. Will you state why, in your estimate, you have made the streets 32 and 35 feet wide ?—A. Because we propose to make the carriage-ways that width.

Q. Have you ever known, as a citizen or an engineer, in any other city in this country the width to be less than 40 feet ?—A. Yes, sir. In Brooklyn, Henry street is but 30 feet wide. It is a very important street. Chestnut street, in Philadelphia, is but 28 feet wide. Fifth avenue, New York, is but 40 feet for the carriage-way.

Q. Are you positive about Chestnut street ?—A. I am ; I measured it day before yesterday.

Q. What did you intend to imply in your testimony that the price of paving South A street was \$3.50 a yard ?—A. It was so stated in the paper presented here, that you received \$3.50 for putting down that pavement.

Q. Who signed that paper ?—A. It is from the official records. Mr. Forsyth signed it.

Q. Did you have the laying out of North Capitol street and the park there ?—A. No, sir.

Q. Who had the constructing of that park ?—A. I have stated already that the work was commenced under Mr. Bowen and continued under the board of public works.

Q. Do you call that a proper mode of parking a street, and do you intend to park East Capitol street in the same form ?—A. We have not determined what we will do with East Capitol street.

Q. Do you call that a proper mode of parking a street ?—A. Yes, sir.

The counsel here presented some plans for parking, and inquired :

Q. Will not a park include shrubbery, statuary, fountains, and grass ?—A. I do not know that statuary and fountains are necessary. They might be well if we had money enough. We are setting out trees and shrubbery.

Q. Is not that the proper way to park East Capitol street ?—A. I have not made up my mind yet. I will tell you when we get to working on East Capitol street.

Q. Did not you pay \$46,000 for parking this street ; and did not you pay full price for putting down these grass-plats ; as much as you did for the stone-work ? Does not the book show that ?—A. I do not know. The board of public works changed that contract by order at one of their meetings, and I believe they allowed full price. I do not recollect.

Q. In regard to the pipes laid on East Capitol street, were they laid under your charge ?—A. Yes, sir ; generally.

Q. Do you know the manner in which the pipes have been laid ?—A. I got reports every week from them.

Q. Have you seen them laid ?—A. I have seen them when passing by ; I have not stood over the work.

Q. Would you consider the laying of a 12-inch pipe the whole length of the street, 400 feet, on a level suitable to convey the filth from those buildings ?—A. No, sir.

Q. Do you not know that these pipes have been laid level ?—A. No ; I am quite certain that they are not.

Q. What makes you quite certain?—A. Because the grades are given, and they are laid in accordance with the grades.

Q. Would less than a 5-foot fall to a 12-inch sewer be sufficient for the whole length of one square?—A. Yes, sir; I think 2 feet would be ample.

By Mr. CHANDLER:

Q. Have you a petition of Mr. Corcoran in reference to the laying of the pavement on Pennsylvania avenue?—A. Yes, sir.

(The paper was read and offered in evidence, and is appended, marked "A.")

By Mr. ELDRIDGE:

Q. Have you been buying and selling real estate in this city during the last year?—A. Yes, sir; during the last ten or twelve years.

Q. What has been the effect of the improvements upon the value of property?—A. I think they have enhanced the value: that there is much greater demand for property than ever before. One of the rich men of Philadelphia recently came here and said he was going to buy a lot and build a house. He bought a lot for \$1.75 a foot that was sold the week before for \$1.25 a foot. A wealthy class of people from abroad are now looking to this city for homes. A great drawback to the city heretofore has been the want of improvements.

Q. Have you bought any pieces of property and sold them again?—A. Yes, sir; in one instance recently I made 75 per cent. on a sale, and had the property in my possession only about five or six months. I regard all the property I own in this District as enhanced 25 per cent. by the improvements made.

Q. There has been some question about the assessed value of property; have you looked at that?—A. Yes, sir.

Q. How does the price fixed by the assessors compare with the cash value of the property?—A. I think it is less. There may, however, be some instances where the assessment is too high.

Q. Do you know about the property of Henry S. Davis?—A. I do. For a portion of that property he paid \$42,000, under the hammer, two or three years ago. I think that property is now worth \$50,000.

Q. Do you know what it is assessed at?—A. I do not.

Q. Do you know of any particular property that is assessed at less than its actual value, from which we may gain some idea of the manner in which property is generally assessed?—A. I do not recollect any particular instances, but I think it is generally assessed at about 80 per cent. of the cash value, or of what it would bring under the hammer.

By Mr. POLAND:

Q. Do the assessors undertake to have any rule of that sort?—A. I think they have.

Q. Do you think they intend to make an allowance?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. Who are the appeal board?—A. William Wall, George R. Wilson, Riley A. Shinn, and E. J. Middleton; they are appointed by the governor.

Q. Is it your opinion that the sum spent for advertising was an extravagant sum of money to spend for that purpose?—A. I think it looks large, but that the result justified it. I think that by the general diffusion of information on the subject, and a unanimous verdict for the loan, we saved from \$250,000 to \$300,000 by it.

Q. Do you know whether the fact of influencing the public papers was a reason for giving it to the papers?—A. Not at all. Every paper was committed to the improvement scheme long before. The first bill received the unanimous support of every paper except the Patriot.

Q. Would you advise advertising to the extent to-day, at the expense that was done in this case, if it were to be done again?—A. Yes, sir; if we had to go over it again under similar circumstances.

By Mr. CHIPMAN:

Q. In the future would you advise any such expense?—A. No, sir.

By Mr. ELDRIDGE:

Q. Had you any idea that it was going to amount to any such sum?—A. I knew nothing of it until I saw it in the papers. Many of the papers copied the advertisements, and then went to the legislature to obtain pay.

Q. Did the legislature recognize the amount of the several bills?—A. Yes, sir; and they appropriated amounts over the secretary's reduction.

Q. Who was the acting secretary?—A. Mr. Stanton. He had reduced some of the bills, but the legislature did not agree with him, and passed the several bills.

Q. Were you consulted as to which of the papers the advertising should be published in?—A. No, sir.

By Mr. CHIPMAN :

Q. Do you not think there should be some restriction?—A. I do; I think there should be a law that there should be no advertisements in more than two papers.

By Mr. ELDRIDGE :

Q. Do you not say you would go through the same again?—A. That was to be done for all time.

Q. If it was a good thing in that particular instance, why not good in all instances?—A. This was a case that can never arise again. I think it would be good under similar circumstances.

The following petition was offered in evidence and received :

To the Honorable Board of Public Works of the District of Columbia :

We, the undersigned, property-owners fronting on Lafayette Square, east side, known as Madison Place, also on Pennsylvania avenue, between Madison Place and Fifteenth street, respectfully petition that the sidewalk on Madison Place, especially the east side, be widened eight feet, to be graded, and the roadway from curb-stone to curb-stone be paved with what is known as the Scharf pavement, provided they, the Scharf Pavement Company, will grade and pave the same in all respects as perfect and complete as that portion of Vermont avenue between H and I streets, in front of the Arlington Hotel; and further provided, that they will contract to do the same for the sum of \$3.50 per square yard for grading and paving the same; and further, that they, the Scharf Pavement Company, will look to the United States Government for that portion which legally belongs to them to pay, both on Lafayette Square and Pennsylvania avenue, fronting on the Treasury building grounds and await the action of Congress for an appropriation of the money to pay the same. We further respectfully ask the property-owners be only assessed the amount required under the late territorial act by Congress, the city paying its just proportion, the Government its, and on the avenue the railroad company its; that the grade of the sidewalk on Madison Place be established at once, and the property-owners required to conform to the same, under directions of your honorable board.

For the information of the board we would state that the gas-main and water-main, together with a 2-foot barrel brick sewer, also other tile-drain sewers, have been laid on Madison Place. The street will not, therefore, have to be broken for either of the purposes named.

JAMES C. KENNEDY.

GEO. W. RIGGS.

W. W. CORCORAN

Per A. HYDE.

A. B. STOUGHTON.

J. W. ALVORD,

President Freedmen's Savings and Trust Company.

WASHINGTON, D. C., May 24, 1871.

The above parties represent more than three-quarters of the private property along which the pavement is asked to be laid.

Accompanying this I hand you the agent's offer to do the work at the price named.

JAMES C. KENNEDY.

WASHINGTON, D. C., May 24, 1871.

To the Honorable Board of Public Work, District of Columbia :

The undersigned, owners of the patent for laying the Scharf asphalt pavement in the District of Columbia, hereby agree to contract for laying said pavement on Fifteen-and-a-half street, (Madison Place,) between Pennsylvania avenue and H street, and Pennsylvania avenue between said Madison Place and Fifteenth street, for the sum of \$3.50 per square yard, said pavement to be laid in as good a manner as that in front of the Arlington House.

JOHN O. EVANS & CO.

The word grade the street and avenue has been omitted, but the cobble-stone will more than pay for it.

JAMES C. KENNEDY.

A true copy.

CHAS. S. JOHNSON,

Assistant Secretary.

WASHINGTON, *April 10, 1872.*

Professor JOSEPH HENRY duly sworn and examined.

By Mr. CHANDLER :

Question. How long have you been familiar with the Washington canal?—Answer. Twenty-three or twenty-four years.

Q. What portion of that time have you been connected with the Smithsonian Institute?—A. From the beginning.

Q. So that you have had occasion to see the canal daily since that time?—A. Yes, sir.

Q. You wrote a letter to the board of health, dated the 8th of May, 1871, which has been put in evidence here. Will you please state whether or not you have had occasion to change or modify any opinions that you expressed in that letter?—A. No; I have not.

Q. Will you please state whether or not, in your opinion, the policy of filling up the canal is a wise and prudent policy?—A. I think it is. It is in a disagreeable and unhealthy condition at present.

Q. You may state whether or not any injurious effect will result to the health of the community from the filling up of the canal?—A. Certainly nothing worse than what is resulting now from it, in its present condition.

Q. Are you familiar with the views of Dr. Hall on this subject?—A. I have not read them; I have heard them spoken of.

Q. He states that filling up the canal and constructing a sewer in the place of it, along Missouri avenue and B street, will interfere with the percolating drainage from the city. Do you anticipate any difficulties on that score?—A. I think the lands in that district may be underdrained if there was any probability of any difficulty on that account.

Q. He states that there is a water-bearing strata below the Tiber Valley, all the way as far as the canal, that carries off the water from the rains, &c., and that, by making a closed sewer, that drainage will be destroyed.—A. I think the drainage may be kept open still; there may be an under-drainage besides that. The sewer, if I understand it, is to carry off the principal part of the surface-drainage and any other water that may pass into the ground. I think it might be underdrained as land is underdrained for agricultural purposes—as it is underdrained at the Insane Hospital grounds.

Q. What is the soil on the island and in the valley near the canal; what are the different strata?—A. I have not paid particular attention to that. I think that, in digging wells, they very soon come to the water-bearing strata.

Q. Is there not, according to your observation, a stratum of sand, under the island, through which the water passes freely?—A. I have not made an examination of that subject.

Q. I would like to have your state more particularly the injurious effect of the canal upon the health of the city, in the condition in which it has been existing for the last ten or fifteen years?—A. It is generally admitted by all writers on hygiene, that an open sewer, sending forth constant exhalations, is injurious to health; and this is merely an open sewer. It is not cleaned out by the tide, which merely agitates the water, and mixes it with the air, and the excrementitious matter is converted into noxious gases, which are elaborated into the air.

Q. Have you noticed that that has been the effect of the canal?—A. Yes, sir.

Q. You may, if you can, describe the canal when in this worst condition?—A. It is a disgusting object, filled with green, slimy, stagnant matter; and even when there is a quantity of water in the canal, the surface of that water is covered with bubbles of gas; they are coming out constantly, so as to appear as if rain was falling into it.

Q. When is that appearance noticed, in the day or in the evening?—A. In the day-time.

By Mr. ELDRIDGE :

Q. You said that the filling up of the canal could not be worse in its effect than it has been heretofore. Do you apprehend that the effect will be as bad, if it is filled up, as it will if left open?—A. My idea is that it will be better for the health of the city to fill it up. I have not read Dr. Hall's article, but what he advances ought to be taken with such consideration as is due to a gentleman of his experience; but it strikes me that the water which originally ran into the canal, before the city was paved, was very much more than it will be when the drainage of the city is turned aside as much as possible from the location of the canal, and when the streets are paved, and the surface-drainage turned more directly into the sewer; and then underdrains, such as are used for agriculture, may meet any difficulty of the kind that Dr. Hall apprehends.

Q. Do you apprehend that the noxious gas from the material covered up, in filling the canal, will be as injurious as the gases that would rise from it if it were left open?—A. My impression is, that it would be better to fill it up; that the injurious effect would not be experienced.

Q. Dr. Hall seemed to think that if the canal were filled, all the matter gathered in there should first be taken out, because it would fester and ferment after it had been covered up, and send forth these gases.—A. That might be well as a matter of precaution to remove it.

I do not know how much effect it will have. We know that vapors passing through the earth are absorbed and decomposed.

Q. Would the effect be to cleanse and purify these foul gases as they pass through the earth?—A. Yes, sir; but the amount of the effect is a matter to be learned from experience. It is on the same principle that we bury the dead.

By Mr. CHIPMAN:

Q. It is said, somewhere in the record, by Mr. Severson, that water, being a great purifier, if it were permitted to flow through the canal, that would be sufficient to entirely control these noxious vapors and malaria, which would arise otherwise; and if the water was continuously flowing in the canal, there would be no deleterious gases from it.—A. The influence would be much less if the water were enough to sweep away entirely the excrementitious matters; but if the tide only oscillates back and forth, it would simply purify the water at the expense of the air.

By Mr. COOMBS:

Q. Suppose the canal were dredged out to the depth of four or five feet below low tide, and kept so that the tide flowed in, and the water of Rock Creek also flowed in, would the canal then be injurious to the health of the city under those circumstances?—A. I think dredging it out, and keeping it filled with water, would lessen the injurious effect; but unless the matter were carried entirely out, I do not think that much good would be effected.

Q. Is it not a recognized fact that if sewerage water is emptied into a volume of water of three hundred times its own magnitude it becomes innoxious?—A. I have not paid attention to that question.

By Mr. HARMER:

Q. Do you think it possible for an open sewer to run through a city, kept open for the purpose of drainage, to exist without being detrimental to the health of the city?—A. I think, unless the water were running rapidly through the city, so that it would carry it off as fast as communicated, the effect would be bad. Otherwise, if there were a rapid stream passing through, the injurious effect might be small.

WASHINGTON, April 10, 1872.

Dr. C. C. COX sworn and examined.

By Mr. CHANDLER:

Question. You are a member of the board of health?—Answer. I am.

Q. How long have you been a practicing physician in this city?—A. Nearly three years.

Q. State whether or not you have had occasion, as a member of this board, to investigate the subject of the Washington canal?—A. I have.

Q. State briefly the action of the board of health in reference to the canal.—A. Very soon after the organization of the board, the subject of the canal was brought up for consideration, presenting, as it probably does, the most flagrant nuisance existing in the District or in any other place on the habitable globe. The board of public works, to whom had been transferred the powers of the commissioners, had charge of the mechanical part of the subject, and the board of health considered that it was their province to investigate the canal with reference to the question as to whether it was a source of disease, or a nuisance, injurious to health, as the law expressed it. For the purpose of collating all the information possible on the subject, the board invited to its deliberations a number of eminent gentlemen of the city—Professor Henry, Professor Baird, and a number of other scientists; they kindly attended the meeting of the board. The board of public works was also invited, and Governor Cooke attended. After hearing the views of these gentlemen freely as presented, either orally or by letter, the board unanimously pronounced the canal a nuisance, injurious to the health of the people, and recommended to the board of public works the abatement thereof.

Q. State whether you personally examined the canal before you came as a board to this conclusion.—A. I have on two or three occasions. I made a special visit not very long since, in company with one or two gentlemen, for the very purpose of corroborating the opinion which I had previously entertained.

Q. State your opinion as to the expediency of filling the canal, and as to the effect upon the business and health of the city.—A. My decided opinion is that that is the only proper mode of solving the problem. By filling the canal, you get rid of the causes of disease which it now generates, and you enhance the prosperity of the city, both in point of ornament and trade.

Q. State your opinion as to the health of the city if action is not taken in reference to it.—A. I am very sure that the health of the people will suffer very materially. I suppose there is hardly a parallel instance of an immense sewer lying stagnant in the heart of a large community like this.

Q. What would you anticipate in case of the occurrence of an epidemic?—A. I am confident that every such disease would be seriously aggravated.

Q. You regard it as expedient that something should be done?—A. It is so recommended. In regard to drainage, it is a notorious fact that in proportion as you increase the volume of water, provided that the stream is so sluggish as not to admit of the passing off of the excrement, you increase the danger; you increase the quantity of oxygen, and that is the principle that produces the disease. In proportion as the water is increased, there is a much larger area in proportion to the depth or volume of water, and unless you have some means to carry it off, the danger is increased.

Q. I would like to have you state how long you have practiced medicine, and what official positions you have held.—A. I believe I have been practicing medicine about thirty-three years.

Q. Have you edited medical journals?—A. Yes, sir; and have had charge of medical schools.

By Mr. ELDRIDGE:

Q. Do you apprehend any danger from filling up the canal and covering up the matter that is already in it?—A. Not the slightest.

Q. It was suggested to us by Dr. Hall that vapor and gases would come up through the covering, that would injure health.—A. That is entirely opposed to the received opinion upon that subject. There can be no escape in such quantities as to injure the health of the city. A good deal of that material would go to the nutrition of plants and trees that would naturally spring up over the bed of the canal. In regard to the subject of surface-drainage, while I conceive that it could be better disposed of by the plan proposed by the board of public works, I do not think there would be any danger. There would be chemical combinations and compositions intervening that would prevent any serious danger that might follow from that source.

Q. Do you think the water would be purified in its passage?—A. I do. It would never appear upon the surface in the form of vapor or exhalations, or at least only a very minute proportion of it. The earth itself is known to be the most powerful deodorizer and disinfectant that we have.

Q. Then you anticipate that, by covering up the canal, whatever gases might arise from the material under the earth employed in filling it, they would be changed so as not to be unhealthful?—A. They will be modified so as to remove any serious danger.

By Mr. CHANDLER:

Q. Would you apprehend any danger from any amount of filth there covered, if there might be growing upon it a mass of vegetable products, grass, trees, &c.?—A. Not the slightest.

Q. Would there be any exhalations that would be dangerous?—A. None whatever, in my judgment. The growth of the vegetation would neutralize any such effect, and absorb anything that would be injurious.

WASHINGTON, D. C., April 10, 1872.

Dr. D. W. BLISS sworn and examined.

By Mr. CHANDLER:

Question. How long have you practiced medicine in this city?—Answer. Since 1861.

Q. When did you commence practicing medicine?—A. In civil practice in 1865.

Q. From what college did you graduate?—A. From the medical department of the Western Reserve College.

Q. What official medical position have you held?—A. During the war I was a surgeon. I was with the Army of the Potomac in 1861. From 1862 I was in charge of the Armory Square hospital, on the border of the canal here.

Q. Have you been in extensive practice since you came into your profession?—A. I have.

Q. Describe the location of the general hospital of which you had charge.—A. It was on Armory Square, on the south side of the canal.

Q. You had occasion to pass over the canal very frequently?—A. Yes, sir; every day.

Q. You had occasion to notice the effect of the canal on the inmates of the hospital?—A. Yes, sir; I made two or three medical reports on the subject, and I expressed the opinion that it produced low forms of fever. This was shown especially among the attendants at the hospital; those who were on duty suffered in that respect much more than those in any hospital farther back in the city. We used to get the odors from the canal, although, as we were on the south side, and the southerly wind prevailed more commonly, we were better situated in that respect than we should have been on the north side of the canal.

Q. Are you a member of the board of health?—A. I am.

Q. You have heard the testimony of Dr. Cox and Dr. Verdi in regard to the influence of the canal on the health of the city?—A. I have. I was not a member of the board of health at the time when the meeting referred to took place, but I know the action that they have taken.

Q. When did you become a member of the board?—A. In July last.

Q. You may state your opinion as to the expediency of filling the canal.—A. I have no question as to the necessity of doing it, if it is desired to make the locality healthy.

Q. What would you substitute for the sewerage of the city?—A. That is a matter for engineers; but I have studied the matter somewhat, as any one would who is connected officially with the city government, and my own plan would be to construct sewers of sufficient capacity to carry off the sewage from Seventh to Seventeenth street and into the canal, making a sewer parallel with the canal, and then flush it from the water that is to be supplied to the city, making the discharge of the city into the deep water of the Potomac.

By Mr. CHANDLER:

Q. State whether you would anticipate any injurious effect from the filling of the canal.—A. No, sir; I should not.

Q. Would filling it with earth neutralize the material with which the bottom of the canal is now filled?—A. I should believe that two feet of earth over that material would perfectly deodorize it, so that all the injurious effects of the gas would be destroyed, so that they could not even be detected by the most delicate chemical tests.

Q. Would you regard it as important to clean out the canal before filling?—A. No, sir; I should not.

Q. Supposing the keeping of the canal clean were to be done by dredging, how continuous must that dredging be?—A. I do not know; I should suppose it ought to be dredged as often as annually or semi-annually.

Q. State what would be the dangerous effects resulting from the dredging of the canal.—A. It would be from agitating the sewage matter and bringing the solid part in contact with the air, and exposing it in small quantities day after day as the process of dredging was carried on.

Q. Did I understand you to say that the desideratum in drainage is to get the discharge of the drainage into deep water as speedily as possible?—A. Yes, sir.

By Mr. COOMBS:

Q. If the canal is filled up, how do you suppose the water of our great floods is to be carried off?—A. The same as at present. I would make a sewer of sufficient capacity to carry off such water. Ordinarily, for the last ten years, whenever we have had heavy rains or sudden rains that would raise the Potomac, the quantity has not been so great that an ordinary capacious sewer would not carry off the water. I see no difference whether you make a sewer of the canal by covering it up or one along its side to conduct the sewerage. The sewer should not be larger than necessary to carry off the largest amount of water.

By Mr. ELDRIDGE:

Q. You heard the questions that have been put to the other gentlemen here, with reference to putting a closed sewer down the valley of the Tiber, for the underdrainage of the percolating waters that go through the soil. What is your opinion as to the effect of that?—A. I believe that the sewer itself would act as a conductor, as the other sewers do. However, I should not consider myself an expert on that subject. I believe, however, the water will find the level of the tide, and that no gases would arise, even if there were not more than two feet of dry earth above them. The water of the city now finds its level with the level of the tide, and if no more than two feet of earth above the high-tide level, no noxious gases would pass through and go to the surface.

Q. Would you anticipate any danger from the water that goes down through the yards and grounds of houses, carrying with it organic matter, and running along down to the canal, if it were closed?—A. No, sir; there would be very little of such material. Most of that material would pass by the man-holes into the sewers.

WASHINGTON, D. C., April 10, 1872.

JOSEPH J. COOMBS sworn and examined.

I wish to state in regard to the time when Nineteenth street was cut down; last summer, Colonel Paine and I were going up to Mr. Webb's house, one evening, to attend a meeting of the executive committee of the Bar Association. I went up G street, and when I got to Nineteenth I found that cut clear down, to all appearances, as low as it is now, and in the same condition that it is now, for I went up yesterday afternoon to examine it. Mr. Webb is secretary of our association, and, of course, records the proceedings of our meetings, and I asked him to say what was the date of the evening in which our meeting was held, and I have a note from him which states that it was on the 24th of June. It was not Eighteenth

street, as was suggested by Mr. Shepherd; that has never been so cut down, but only trimmed. It was Nineteenth street at the crossing of G.

By Mr. CHANDLER:

Question. At what time in the day was it?—Answer. It was nearly evening; there was daylight enough so that we could see perfectly well.

Q. You went up G street?—A. Yes, sir.

Q. And you found the opening so great that you could not go through?—A. Yes, sir; it looked like a canal; it was filled with water.

By Mr. CHIPMAN:

Q. Your point in this matter is to fix the date, is it?—A. Yes, sir; I am satisfied that it was upon the 24th of June, for that was the only time we ever met at Mr. Webb's house, and the only time within five or six years that I have been at his house.

WASHINGTON, D. C., April 10, 1872.

WILLIAM A. COOK sworn and examined.

By Mr. CHANDLER.

Question. What position do you hold in reference to the District government?—Answer. I am the attorney.

Q. Have you been so from the commencement of the new government?—A. Yes, sir.

Q. There have been some statements in reference to tickets for the government loan in the course of this investigation. Please state the facts in relation to the printing of those tickets.—A. The eighth section of the act approved August 23, 1871, for regulating and holding the general elections in the District of Columbia (Laws of the Assembly, p. 104) is as follows, viz:

“SEC. 8. *And be it further enacted*, That it shall be the duty of the governor of the said District to have the required number of ballot-boxes, and forms for tally-lists, and all the stationery and *other necessary papers and means* for holding any election, prepared in time, and furnished to the superintendents before the opening of the polls on the morning of election; and to *pay out* of the fund belonging to the District of Columbia *all expenses* which may be required to carry on any general election.”

A question arose whether it became necessary for the governor to furnish the tickets required for voting in relation to the loan and to the Piedmont Railroad bill. That question the governor submitted to me, and I gave him the opinion that, while the matter might not be entirely clear, that as the questions of the loans affected the interests of the District generally, and were not partisan, perhaps it was his duty to furnish the tickets; that it would be better—wise—to do so. He then directed me to have the necessary tickets prepared in connection with his secretary. I engaged the firm of Gibson Brothers to print these tickets; I stated to them that the loan tickets would be paid for by the District. About the same time I was acting to some extent for the republican party, and I engaged Mr. Gibson to print the tickets for the republican nominees of the District for the house of delegates, and stated that these tickets would be paid for by Mr. Gideon and myself; that they were distinct from those of the District government. For the printing of those tickets I received from Mr. Gibson the accompanying bill, for which Mr. Gideon, my brother and I, are responsible, and must settle with them; I have, with others, done so in similar cases for several years:

WASHINGTON, December 1, 1871.

Messrs. COOK & GIDEON, Committee,
1871.

	To GIBSON BROTHERS,	DR.
November 20, 110,000 election tickets for house of delegates		\$178 75
November 22, 22,000 election tickets for house of delegates, (1,000 each district).		35 55
		214 30

The tickets for the loan and interest thereon were accordingly printed. They are in various colors. Here are specimens of the tickets:

[Ticket printed on white paper.]

“LOAN BILL.

“FOR SPECIAL IMPROVEMENTS.

“For the act of the District of Columbia entitled ‘An act authorizing the District of Columbia to create a debt for special improvements and repairs in said District, by the issuing

of four million of bonds, and levying a tax for the payment of the interest, as it shall annually accrue thereon, and submitting the act, with the question of the issuing of the four millions of improvement bonds, to a vote of the people, at a general election in said District.'

"And for the issuing of four millions of improvement bonds as provided in said act."

[Ticket printed on yellow paper.]

"LOAN BILL.

"AGAINST SPECIAL IMPROVEMENTS.

"Against the act of the District of Columbia entitled 'An act authorizing the District of Columbia to create a debt for special improvements and repairs in said District, by the issuing of four million of bonds, and laying a tax for the payment of the interest as it shall annually accrue thereon, and submitting the act, with the question of the issuing of the four millions of improvement bonds, to a vote of the people, at a general election in said District.'

"And against the issuing of four millions of improvement bonds, as provided for in said act."

[Ticket printed on tea-colored paper.]

"INTEREST ON IMPROVEMENT BONDS.

"For levying a tax for the period of twenty years for the payment of the interest as it shall annually accrue on the four millions of bonds to be issued by the District of Columbia, agreeably to the provisions of an act entitled 'An act authorizing the District of Columbia to create a debt for special improvements and repairs in the said District by the issuing of four millions of bonds and levying a tax for the payment of the interest as it shall annually accrue thereon, and submitting the act, with the question of the issuing of four millions of improvement bonds to a vote of the people at a general election in the said District.'"

[Ticket printed on blue paper.]

"INTEREST ON IMPROVEMENT BONDS.

"Against the act for levying a tax for the period of twenty years for the payment of the interest as it shall annually accrue on the four millions of bonds to be issued by the District of Columbia, agreeably to the provisions of an act entitled 'An act authorizing the District to create a debt for special improvements and repairs in said District, by the issuing of four millions of bonds and levying a tax for the payment of the interest as it shall annually accrue thereon, and submitting the act, with the question of the issuing of four millions of improvement bonds, to a vote of the people at a general election in the said District.'"

[Ticket printed on rose-colored paper.]

"PIEDMONT AND POTOMAC RAILROAD.

"For 'An act to authorize a subscription to the stock of the Piedmont and Potomac Railroad Company upon certain conditions.'"

[Ticket printed on salmon-colored paper.]

"PIEDMONT AND POTOMAC RAILROAD.

"Against 'An act to authorize a subscription to the stock of the Piedmont and Potomac Railroad Company upon certain conditions.'"

The purpose of printing them in the various colors was in order that they might be deposited in the boxes separately and distinctly. The law required separate boxes for each, to avoid confusion, as appears from page 3 of the circular. The governor directed a circular to be prepared for the officers of election, in the form of a letter, over the signature of the governor, as follows:

"EXECUTIVE OFFICE, *Washington, D. C., November 21, 1871.*

"*To the superintendents and clerks of election:*

"GENTLEMEN: This circular has been prepared in answer to numerous inquiries, and to assist you in the performance of your duties. It is chiefly a statement of the requirements of the laws of the District in relation to the manner of conducting the election to-morrow, and making the returns. Occasional suggestions have been made on points not covered by the acts of the legislative assembly, which, it is believed, will tend to an *orderly and efficient performance of your labors.*

"Respectfully,

"HENRY D. COOKE, *Governor.*

"OPENING OF ELECTION.

"*First.* The election will be held between the hours of 8 o'clock a. m. and 7 o'clock p. m. The superintendents and clerks should be at their several precincts at an early hour, so as to be fully prepared to commence the reception of votes at 8 o'clock. The election should be promptly closed at 7 o'clock p. m.

"LIST OF VOTERS.

"The list of voters will be furnished to the superintendents at the several precincts early in the morning. When handed to them they should remain in their possession. These lists, on the close of the election, should be put in the regular election-box, to wit, viz: the one containing the tickets which may be polled for the member of the house of delegates.

"BALLOT-BOXES.

"There will be *three of these*. One marked 'HOUSE OF DELEGATES,' one marked 'LOAN-BILL,' and one marked 'PIEDMONT RAILROAD.'

"VOTERS.

"No one will be entitled to vote except his name is found on the list of voters furnished by the board of registration. The only question that can be considered by the judges, if a name is found on the list, will be the *identity* of the person assuming it, or whether he is the person he claims to be. If satisfied of this, the vote should be received, if in other respects proper. The superintendents cannot go back in any case of the list of voters furnished them.

"THE VOTING.

"FOR MEMBERS OF THE HOUSE OF DELEGATES.

"This must be by ballot. The ticket may be printed or written, and must not contain anything except the name of the office and candidate, or person voted for. It must be folded, so that the name of the person voted for cannot be seen. As soon as received, the ticket must be deposited in the box marked 'House of Delegates.' No other tickets must be put in this box.

"THE LOAN, OR IMPROVEMENT BILL.

"This must be voted for, or against, *on separate tickets*; or, in other words, the ticket must not be connected with that for member of the house of delegates. While the law does not positively require it, it would possibly be best to have it folded. The tickets for and against the loan must be deposited in the box marked 'LOAN-BILL.'

"FOR THE INTEREST ON THE LOAN OR IMPROVEMENT BILL.

"The voting on this must be by a *distinct ticket*. It also may be folded. It must also be deposited in the box marked 'Loan Bill.' Two tickets, therefore, will be deposited in this box.

"PIEDMONT RAILROAD.

"Tickets for this will be separate from the others, and will be deposited in the box marked 'Piedmont Railroad.'

"DEPOSITING TICKETS IN THE BOXES.

"*Care should be used to deposit the tickets in their proper boxes, so that they may not become mixed. To aid in this the tickets will be printed on paper of different colors, and an equal number for and against the loan.*

"RECEPTION OF TICKETS.

"The law requires that one of the superintendents shall receive the tickets. This duty may be assigned to different superintendents during the course of the election. The superintendent who receives the ticket, on doing so, must call aloud the name of the person voting.

"THE VOTER'S NAME.

"When the name of a person offering to vote is called aloud by the superintendent assigned to that duty, another of the superintendents should search for his name on the list of voters. If found, it should be so announced by him, and at once be checked, or marked to indicate that the person has voted.

"DISPOSITION OF THE TICKET.

"The ticket should then be handed to the remaining superintendent, who should deposit it in the box, or this labor may be divided with the superintendent examining the list of voters, or receiving the ticket.

"WRITING OF THE NAMES OF VOTERS BY THE CLERKS.

"When the superintendent who receives the votes calls aloud the name of the elector, or voter, the clerks must write down his name. This must be done by each of them, and not by one of them only. Separate lists of the voters must be kept by them. When they write down the name of the voter they must repeat the name before writing another. This is to avoid mistake, and to secure accuracy in their lists.

"CLOSE OF THE POLLS.

"When the polls are closed the superintendents must open the boxes.

"THE MANNER OF OPENING AND COUNTING VOTES.

"It will avoid confusion if the counting begins with the box containing the votes for the member of the house of delegates.

"This may be first opened, and the tickets in it counted, and the tally-list thereof and the return be made out. The superintendents must take out the tickets and open them, and read aloud the names thereon.

"THE PART OF THE CLERKS IN COUNTING.

"The clerks, when each ticket is read, must write down in the form of a tally an account thereof. This will be done on what is called the house of delegates tally-list. When all the votes are taken down the whole will be counted upon this list, and from it the returns will be made.

"THE RETURNS.

"The returns must set out the number of votes cast for each candidate to the house of delegates. Care should be taken to make the tally-list and return, in all respects, correct.

"THE TALLY-LIST AND RETURNS.

"These the law requires to be furnished by the governor. This will be done. There will be different tally-lists: one for a member of the house of delegates; two for the loan bill; two for the tax bill, levied to pay the interest of the loan, and one for the Piedmont Railroad. They will be on separate papers. Each one will have a separate heading, to correspond with the purpose for which it is intended. They will be headed thus: 'For member of the house of delegates;' 'four million loan bill;' 'interest on loan bill,' and one 'Piedmont and Potomac Railroad bill.' In this way they can be easily distinguished. Only the tally-list marked 'house of delegates' must be used in counting the votes cast for that office.

"RETURNS.

"From the tally-list so made out, the returns will be made up. When the tally-list is completed, and the entire vote polled thus ascertained, the return can be made out. Blanks corresponding with and marked as the tally-list will be furnished. The return must be filled out with the aggregate number of votes cast for each candidate. When completed and signed, and certified to by the clerks, it must be sealed up and directed to the governor. When the counting, tally-lists, and returns for members of the house of delegates are thus finished, the tickets must be returned to the box from which they were taken, and the following papers be immediately put in it, with the tickets: First, the list of registered voters furnished superintendents; second, the lists kept by the clerks, certified by them to be correct; third, the tally-list made out by them; and fourth, a copy of the oaths of the superintendents, and of the clerks. When these papers, with the tickets, are placed in the box, it should be carefully set aside, and not be opened except to get the vote polled for the members of the house of delegates, to enter on the tally-lists and returns the vote for the loan bill.

COUNTING OF THE VOTES FOR THE LOAN BILL.

"When the tickets for the members of the house of delegates are counted, and all the papers connected with them out of the way, the box containing the votes for or against the loan bill should be opened. The tickets must be opened and read exactly as in the case of the ballots for members of the house of delegates. The reading may be in brief. The clerks must each keep a tally-list of the votes, putting down each one, for or against the bill, as read by the superintendent. The form of these tally-lists will be on hand. The aggre-

gate vote for members of the house of delegates must be entered on them. One of these tally-lists must be put in the ballot-box marked 'house of delegates.'

"RETURNS OF THE LOAN-BILL VOTE.

"These must be in duplicate, and in this respect differ from the return for member of the house of delegates. Do not forget that two returns must be made out. This should be done from the tally-lists, and must contain, *first*, a statement of the votes cast for and against the loan bill; and, *second*, a statement of the aggregate votes cast for members of the legislative assembly. These must be signed by the superintendents, as well as by the clerks.

"DISPOSITION OF THE RETURNS.

"One of the returns must be placed, with the tickets cast for and against the loan bill, in the election-box marked 'Loan Bill.' One of the tally-papers must also be placed there. The other return must be placed in a sealed envelope, and be directed *to the secretary of the District*. It must be placed in his hands by the superintendents. These envelopes, properly directed, will be on hand.

"THE VOTE ON THE BILL FOR PAYING INTEREST ON THE LOAN BILL.

"Separate tally-lists of this must be kept and made out, as well as returns in duplicate. One of these returns, with one of the tally-lists, must be placed in the loan-bill box with the tickets. The other tally-list must be put in the box marked 'House of Delegates,' in a sealed envelope, and the box be handed to the secretary of the District. Observe that there are separate tally-lists and returns to be made out for the loan bill, and for the bill providing for the payment of interest on the loan, making, with the tally-list and return for members of the house of delegates, five tally-lists and five returns.

"PIEDMONT RAILROAD RETURNS.

"The votes on this must also be read and entered on a tally-list, and a return thereof be made to the secretary.

"CARE TO BE TAKEN IN MAKING UP THE RETURNS.

"Care should be taken in making up returns correctly. To prevent error, in addition to these suggestions, instructions will be found on each tally-list, and return envelopes, properly marked, will also be furnished. Forty-eight hours is allowed by the law in which to make the returns, but it should be done as soon as possible. The secretary and governor will be in their offices on the night of the election to receive returns. All the superintendents, if possible, and in every case a majority of them, should accompany the sealed boxes to the office of the governor and secretary. If in any case police officers are desired, they will be furnished.

"No wrangling or contention should be allowed at the polls. The superintendent of police will issue orders to the force for their conduct on the day of election, and an adequate number of policemen will be furnished to maintain order. It is earnestly desired that everything shall be done fairly and correctly."

"HENRY D. COOKE,
"Governor of the District of Columbia."

The conclusion of this circular shows the governor's anxiety (and that of all officials connected with it) to have everything fairly done.

A copy of that circular was furnished or ordered to be furnished to each election officer, and officially sent out for conducting the elections. In order to avoid mistakes, we had blank returns printed, with instructions as to the manner in which they should be filled and forwarded, so as to secure promptness in the returns and the utmost fairness. Here are copies of these papers. The returns were made accordingly. I had made arrangements during the night previous to the election for the distribution of tickets; but the printing of the tickets was delayed, and the result of that was that it became necessary for us to remain up all night, and we did so, sending out tickets from 12 o'clock until after daylight. Tickets were also sent out during the day. The office was kept open during the entire time. When I was out of the office I left it in charge of several persons to furnish whatever tickets were required. The office table was insufficient to hold all the tickets, and some of them of each kind were placed under the table. There was no attempt to suppress the tickets, or to destroy them, or to prevent their circulation. No such purpose was mentioned or contemplated by any one in charge of them. On the contrary, I employed among others Mr. Mallory and Mr. Humber to distribute tickets, and I directed Mr. Mallory to go with a carriage and carry tickets to the various polling-places and ascertain if there were any lacking, and, if so, to supply them and to report to me.

By Mr. CHANDLER :

Q. Was any person refused an anti-loan ticket to your knowledge?—A. No person was refused them. A full supply was not sent into the office at once. There were a few minutes in the morning when a portion of the tickets became exhausted, and I sent out for a supply. But they were sent in as fast as they were turned off the press. A man by the name of Barker came petulantly into the office in the morning and wanted some tickets. A portion of the Piedmont Railroad had been exhausted at that time. He was told so, and that if he would wait a few minutes they would be on hand. I left the office, and on returning ascertained that in my absence he attempted to take the tickets by force, afterward he attempted to do so—so I have been informed—from the messenger of Mr. Gibson, a colored man by the name of Chase, but was prevented from doing so.

By Mr. CHIPMAN :

Q. How long were you absent?—A. Perhaps ten minutes. The office, however, was open during my absence and the entire day.

Q. When you came back after the ten minutes' absence was Barker there?—A. No, sir.

By Mr. CHANDLER :

Q. Did the colored man have any authority to deliver the tickets while on the way to the office?—A. No, sir. I had given especial directions to Mr. Gibson to deliver the tickets to no person but myself, in order to carry out the directions of the governor. The colored man an employé of Mr. Gibson and he had no authority to deliver the tickets to any one but myself. There was only a short time during the day when any part of the tickets were exhausted.

By Mr. ELDRIDGE :

Q. Did you send out any anti-loan tickets?—A. In every instance, I delivered anti-loan tickets, or requested it to be done. When any persons would call at the office and take tickets, I asked them to take the anti-loan tickets along with the rest, because if they did not do so I should be obliged to send some one expressly to the polling-places with them.

Q. Did you deliver anti-loan tickets to those who were in favor of the loan?—A. I did, I presume; but I did not inquire about their views.

Q. Do you think it is a safe way to trust the tickets to the enemies of the measure?—A. The question assumes that the persons intrusted were enemies of the loan—were dishonest necessarily, and I have not stated that.

By Mr. HARMER :

Q. Were there districts where you found no persons willing to take the anti-loan ticket and distribute it?—A. No, sir; there was no district where ultimately there were not found persons to take the anti-loan tickets. I employed Mr. Mallory, and sent them out, after sending the tickets out during the night and early morning with others.

Q. Did you give instructions to leave them only with responsible parties?—A. I directed them to leave them at any place where the tickets were being distributed or obtained by the voters.

By Mr. CHIPMAN :

Q. Was any complaint made on the part of the anti-loan party that no tickets could be obtained?—A. No complaint was made to me. I made as full and honest an attempt to carry out the governor's directions as I could, and to supply all the polling-places with all the tickets.

Q. Do you think that the distribution of the tickets was conducted fairly?—A. Yes, so far as I can tell.

By Mr. CHANDLER :

Q. Were any directions given to anybody to suppress the anti-loan tickets?—A. No, sir; none in my hearing and none to my knowledge.

By Mr. COOMBS :

Q. Do you not know that there were a large number of polling-places where there were no anti-loan tickets?—A. I do not. On the contrary, I know that there were no returns made from any polling-places, showing the results of the election, that did not show there had been anti-loan tickets at those places.

Q. Do you know how it was at the polling-place on the corner of E and Eighth streets?—A. I was not there; I do not know.

Q. Do you know that many of the tickets were altered with a pen?—A. I do not know. Directions were given to carry them to the various polling-places. What was done with them there I cannot tell.

Do you know that Mr. Mallory distributed tickets to any men who were opposed to the loan?—A. I only know that my directions were to distribute the tickets at the polling-places.

Q. Was Mallory in favor of the loan?—A. I presume he was.

Q. Who prepared these bills in relation to the tickets?—A. Their preparation was the result of joint labor and consultation.

Q. Did you draught that bill?—A. Committees and members of the house and council were engaged in the preparation of bills, and, as they had a right to do under the law, they called upon me to assist them; I did so. I aided in draughting the bill—in composing it; I examined it carefully in all its parts.

Q. Whose invention was that device at the head of the ticket—"Against special improvements?"—A. It may have originated with me, or it may not; I do not positively recollect. I think several members of the legislature were present when the question of the form of the ticket was under consideration. The object was to make an intelligible and fair ticket, and I believe the object was accomplished.

Q. Who originally made the suggestion that it should be printed in this form?—A. I do not positively remember.

Q. In your opinion was not that a fraud on the voters to put such a motto on the ticket?—A. I do not think so; the entire ticket expresses the character of the ballot, and could not be misunderstood.

Q. You are legal adviser of the board of public works?—A. I am; I give them legal advice whenever desired.

Q. Did you advise the board of public works that, under the act of Congress authorizing the canal to be dredged or cleaned out and arched over, they had a right to fill it up?—A. I was not called upon for a formal or written opinion. I, however, presented my views to them. They are substantially these: That the subject was one not entirely clear; that the commission, having power to arch, could destroy the canal or render it unnavigable; that from this power of destruction the power to fill might perhaps be inferred; that the board had the same power as the commission; that by a subsequent act the board of health had power to abate nuisances; that by this latter act the power to fill up for the abatement of nuisances probably existed; and that, taking the two acts together, power to destroy the canal and to fill up might be claimed; that certainly power existed to close it.

WASHINGTON, April 10, 1872.

T. S. VERDI duly sworn and examined.

By Mr. CHANDLER:

Question. You are a practicing physician in Washington?—Answer. Yes, sir.

Q. And a member of the board of health?—A. Yes, sir.

Q. State whether, as a member of the board of health, you had occasion to investigate the subject of the Washington canal; and, if so, you may state your views with reference to the proper disposition to be made of it. If you have those views in writing, you may read them as part of your testimony.—A. I have resided in the District and practiced medicine fifteen years, and, as a physician, of course the canal question has come under my observation, and caused me a great deal of anxiety. Since I have become a member of the board of health, I have given special attention to the study of the canal. I have studied the arguments *pro* and *con* as far as I could; and, as it would be difficult to answer them in a desultory conversation, I have set them out in writing, and, if permitted, would like to read them.

They were read, and are as follows:

"For the last fifteen years I have lived and practiced medicine in the city of Washington, where I have had many opportunities to judge of its sanitary condition, and to study the etiology of the diseases peculiar to the locality.

"During this period a long and bloody war occurred, filling our hospitals with thousands of sick and wounded. Fatal epidemics also visited Saint Louis, New York, Brooklyn, Philadelphia, Albany, the State of Indiana, and other places, carrying to an untimely grave many thousands of their inhabitants. Washington, however, remained healthy.

"This immunity from epidemic diseases is undoubtedly due in our city to the great ventilation from its wide streets, to its many parks, and numerous trees; also to the absence of thickly populated tenement houses, to its temperate climate, silicate soil, and to the undulated surface of the ground, favoring drainage.

"With all these topographical, geographical, and physical advantages, I have often been surprised at the recurrence of endemic diseases, such as remittent, intermittent, and typhoid fevers. In my investigations for the cause of these endemic fevers, I became satisfied that they would be found in the limited and defective sewerage, and to a classical cess-pool having an area of 1,273,980. This cess-pool was excavated and maintained in the very center of the city, under the presumption that it would serve as a canal, a canal even that would bring untold millions to the treasury of our people.

"For fifty years has this canal been the recipient of the ordure and filth of our town; for fifty years did it faithfully spread disease and death along its borders, yet the promised millions are still untold; but the promise is sacredly kept to stimulate the stronger love for

lucre, whenever, in our despair, we resolve to do away with the deadly and intolerable nuisance. This is particularly the case whenever Congress or the city council makes, or is likely to make, appropriations to abate the canal nuisance. Again and again we have been exhilarated by the suggestion that vessels of maritime nations would proudly sail along the canal, and on the very edge of the national and beautiful park, the Smithsonian. Untold gold would pour into our lap; the President of the United States could have a yacht to take him to the Capitol on inauguration day, and gondolas would be launched therein during our carnivals to fight sham battles, and rival the proud Queen of the Sea, Venice.

"For fifty years have our people been lulled to sleep by these dreamers; in vain they have waited for Pandora's box to open; willingly they have laid down their lives, and like heroes have died from malarious poison that these things might happen and their children rejoice. But the canal is still a shadow of death, and the people, awakening, cry, 'Take away the phantom.' The canal is to-day a pestilence and a bitter reproach to our citizens.

"When I became a member of the board of health under the new form of government, and was by the same created health officer of the District of Columbia, it became my duty to take cognizance of this pestiferous nuisance. My colleagues also were very anxious that it should be abated. To better become acquainted with the means to relieve the people from this nuisance, without dispossessing them of any prospect of a future income, the board of health called a conference of their co-workers, the board of public works, together with several distinguished scientific men, to be held at their rooms. Professor Spencer Baird, Major General Meigs, General Capron, Governor Cooke, and others were present at the first conference. Professor Henry, unable to come, sent us a letter, in which he expressed satisfaction at our undertaking, and gave it as his opinion that nothing but a complete filling up of the canal would remove that nuisance. The Hon. J. Sayles Bowen, ex-mayor, being unable to appear on account of sickness, sent us an interesting letter with valuable suggestions. Mr. Severson also appeared, and seemed to know so much about the canal that he was requested to put his views in writing. At the second meeting of the conference, Professor Henry was present to substantiate his views expressed in his letter. Here occurred a strange incident, even painful to relate. Mr. Severson handed me his paper to read to the board and its guests; but I had hardly commenced reading when I found it to contain invectives and personalities against Professor Henry, for holding views contrary to his own. In vain I tried to skip a line here and there; I had to stop, look over the page, and deliberately turn it over without reading it. In short, Mr. Severson had in a paragraph disposed of Professor Henry as of a scientific ass. My embarrassment was very great, for I could not, and my colleagues would not, permit a gentleman honored and revered in the scientific world to be insulted before us, neither could we permit Mr. Severson to use the board for such ribaldry. We even refused to file Mr. Severson's paper, unless he erased from it every insulting epithet against Professor Henry. Mr. Severson acceded, and we filed his paper.

"The board of health became aware then that Congress had given the board of public works entire control over the canal, and therefore decided, in conformity with the organic act, that their power was limited to declaring the canal a nuisance, which they formally did, and requested the board of public works to abate it. When the board of public works undertook to abate the nuisance, by filling the canal, the board of health did not interfere.

"Mr. Severson, however, sent a communication to the board of health, protesting against the filling of the canal, for reasons of commercial interests, and also because he believed the board of public works intended to stop the filling at Seventh street, which would create a *cul-de-sac*, more dangerous in a sanitary sense than the canal as it was. This communication was referred to me, as chairman of the sanitary committee of the board, for examination and report. In my report I stated that we could not entertain the commercial reasons of Mr. Severson, because we, as a board of health, had no jurisdiction whatever on commercial questions; but regarding its sanitary connection, we agreed that a *cul-de-sac* at Seventh street would create a greater nuisance instead of abating the old one. We therefore recommended that the canal be filled its whole length. The board of health received and approved my report.

"This is what we have done, as a board of health, regarding the canal, being satisfied that the nuisance would be abated; consequently I have nothing more to say as a member of that board. But as a citizen, who has everything that is dear to him in the city of Washington, as a physician, who has studied and deeply meditated over the causes of disease emanating from low grounds and mephitic deposits, and particularly those arising from the canal, and thought over the various modes of effectively removing said sources of malaria, I have concluded that filling with earth would be the only practical mode of preventing the deadly emanations from the canal in a permanent and effective manner. But some people differ from me regarding the means of abating this nuisance, asserting that water is a better disinfectant, and that, therefore, if the canal were dredged, so as to have 4 feet of water at low tide, its contents would be dissolved, purified, and carried away. But in this I think them mistaken. Water is as much an agent of infection as of disinfection. Substances which preserve forever dry become putrid at once when moist. Cess-pools containing organic matter and water always generate infusoria, fungi, spores, or gases that are deleterious to health. Water saturates and dissolves the organic matter, thus exposing a large surface to oxidation; this oxidation of carbonaceous matter

will give rise to carbonic acid vapors which will rise and impregnate the atmosphere. Dr. Angus Smith gives the account of a remarkable case, in England, in which the sewage of a large town, moving slowly, after being mixed with an immense excess of water, has been found utterly to disappear. 'The ammonia, which was nearly a grain per gallon before, could not at last be found, while the evaporation seems to have gone on at the rate of one grain per square foot daily.' And Dr. Smith adds: 'Although, therefore, water is a wonderful agent of purification, it is also an agent for the contrary, because it causes a very rapid and effervescing decomposition of organic matter, which, if in enormous quantities, sends out impure as well as pure gases into the atmosphere.'

"Annually there are no less than ten thousand tons of human excrements, mixed with other animal and vegetable substances, entering the canal. While the tide comes in to assist in the oxidation and decomposition of this immense quantity of organic matter, when it recedes the quantity of water left behind may not be sufficient to insure perfect purification. The current of tide-waters being from the surface, great deposits must, necessarily, be left to decrease the area, in consequence of which every day the water must be less in depth and in volume. Dredging, to maintain the same depth and area, must be constant and uninterrupted. Moreover, motion is all-important in stirring this animal matter in the water; in the Thames hundreds of steamers and other craft navigate daily, which keep the water in constant motion, but what will stir the water in the canal? The calculations made about the cubic feet of water that the canal will contain are purely speculative, for the canal will not always maintain the same area, as demonstrated above. The proportions of how much animal matter water will absorb and disintegrate, by the cubic foot, is also speculative and not reliable, for organic matter differs in composition and in solubility. I conclude, therefore, that the purification of the canal, by the introduction of the amount of water proposed, is only speculative and an experiment at best, a fearfully expensive experiment, not only dangerous to the finances but to the very life of our people.

"An evil, similar to ours, occurs in the Schuylkill and the waters bathing the shores of Philadelphia. In that city, also, the people became alarmed and instituted a scientific investigation, composed of such men as Drs. McCrea, Jewell, La Roche, Rogers, and others. This commission report as follows:

"The danger we apprehend does not depend so much on imperfectly constructed drains from water-closets and water-privies as on the accumulation and the exposure it is subject to at every ebb tide, both in the Delaware and Schuylkill, as it escapes from the sewer out-falls.'

"Again: 'The danger from these poisonous gases in this city has been, on more than one remarkable occasion, fearfully experienced during the advent of the various epidemics of yellow fever, which have usually made their first appearance in the immediate vicinity of the terminus of the sewers on the river front, and from these nuclei scattering desolation and death in every direction.'

"Again: 'The great difficulty lies in the fact that two sluggish rivers creep along the eastern and western boundaries of the present densely populous and business portion of it; and the tidal currents, unable to bear away the sedimentary matters beyond the power of returning waters, this half-dissolved putrescent material, with the foul additions gathered in their laggard course from the rivers themselves and the adjacent shores, is brought back and conveyed by eddies into the docks and on the neighboring banks, only to rankle and ferment at the reflux of every tide, when it is exposed, contaminating the surrounding atmosphere with its offensive and pestiferous effluvia, which has ever been a well-recognized cause for the nourishment and spread of epidemic diseases.'

"In Glasgow, where the sewers empty their foul contents into the Clyde, the tide rising about seven feet, and the current of the stream being as rapid as that of the Potomac, the system gave rise to so great a nuisance that the surveyor recommended that the lower class of houses should return to the old privy system.

"If that is so with the Clyde, the Delaware, and the Schuylkill, how will it be with our canal, even if dredging goes on day and night? Clay is composed of silicate of alumina and some other base, as soda, potash, lime, magnesia, ammonia. Under certain conditions the base is changed, and instead of nitrate of potash we will have a potash silicate, and instead of silicate of magnesia we will have a silicate of ammonia. And when these double silicates have thus been converted by chemical preference they cannot be decomposed by any neutral salts of the other alkalies.

"Fresh earth, besides, will physically restrain the noxious compound; it will absorb all the moisture and foul effluvia. The particular action of the earth, I have it from several authorities, is that of adhesion.

"Dr. Bartholow says: 'Earth being in a finely divided state, the surface of each grain when united in the whole presents an enormous extent of surface to which gases adhere. Besides absorbing the gases, the finely divided absorbent power acts as catalytic agents, and procure the combination of the gases absorbed with the oxygen of the air.'

Earth acts also as an antiseptic, as we surgeons know when we apply it to foul ulcers. It puts the matter in a condition in which no change can take place, and consequently no noxious gases can be given off. And unless the moisture and the gases are greatly in excess to the proportion that the earth can absorb and retain, the disinfection is complete. From

four to eight feet of earth thrown in the canal will be amply sufficient to absorb all the moisture therein, and retain by selection the noxious substances. Moreover, this heavy and consistent mantle of earth will exclude the air from the nitrogenous and carbonaceous deposits, and retard the formation of the dreaded gases; and it will be with matter lying buried in the canal as it is with dead bodies buried six feet deep; in a few years the slow decomposition will have taken place and everything resolved into its original elements of harmless earthy salts. If dry earth is to-day acknowledged to deodorize and disinfect human excrement in the closet, what reason could we adduce to prove that it would not deodorize and disinfect human excrement in the canal? Of course the canal should not be retained as a receptacle for percolating waters, for when the moisture will be in excess to what the earth will retain a dangerous evaporation would occur. But, topographically, Washington lies between two streams, Rock Creek and Tiber Creek. These two streams receive all the contributors from the hills surrounding the city and a great part of surface and subsoil drainage lying between them. When our streets are thoroughly paved and sewered there will be no subsoil currents to flow to the canal. The hard surface will lead all the water in the proper channels, and the absorption will be so little as not to be in excess to what the soil will retain for its own moisture and for the nourishment of the grass, flowers, and trees. Therefore, I have no doubt that the bed of the canal will in a short time be dry, and that there will be nothing to apprehend from the capillary attraction mentioned by some.

"Again, the natural outlet of the creeks above mentioned, and the subsoil drainage, is the Potomac, and I cannot doubt that if such subsoil currents were formed they would gravitate toward the Potomac if they have to burrow their way under the sewer or the bed of the canal.

"Regarding the navigation of the canal and its commercial considerations, I would only say that it will never be a source of revenue to the city. For fifty years it has produced nothing or nearly nothing. Besides, we have an immense water front that can accommodate all the traffic that could come. The Chesapeake and Ohio Canal, between Seventeenth street and Georgetown, now abandoned, would give us all the wharf we could possibly need, without extending through the city. But the time for canals is passed and gone; the railroads are now taking everything from them; a proof of this fact is that the Erie Canal is to-day the only one that pays in the country. Pennsylvania is now regretting her mania for canals—they are almost entirely abandoned. In a few years we shall have four or five competing railroads, which will supply our market with everything at the lowest figure.

"When the canal is filled we can reclaim the island now separated from us by that dirty and poisonous stream. The island is a large tract of land lying south of the canal, containing probably from six to eight thousand inhabitants, the land of whom is almost valueless. Their property will greatly enhance in value, for between us there will only be a flower-garden and proud public buildings. The beautiful park will then be a reality and a resort for health and pleasure. What with the improvements already inaugurated in our city, the canal effaced, the park completed, the great plan of General Washington will be accomplished, and the capital of the United States will be the pride of every loyal American.

"T. S. VERDI, M. D."

The following paper was placed in evidence:

"DISTRICT OF COLUMBIA, BOARD OF HEALTH,
"Washington, April 15, 1872.

"Resolved, That the Washington Canal be, and the same is hereby, declared to be a nuisance injurious to health.

"Passed May 3, 1871.

"Attest:

"CHRIS. C COX, M. D.,
"President Board of Health."

(Stamped:) Board of Health, District of Columbia, April 15, 1872.

WASHINGTON, April 10, 1872.

Dr. C. H. NICHOLS duly sworn and examined.

By Mr. CHANDLER:

Question. State your profession, and how long you have resided in the city.—Answer. I am a doctor of medicine, and have resided in this city nineteen years.

Q. Have you been in charge of the asylum during that time?—A. Yes, sir.

Q. State whether you have had occasion to observe the Washington Canal.—A. I have had no other occasion to observe the Washington Canal, except such as every citizen has who is interested in the health and prosperity of the city, and whose business leads him frequently into its neighborhood.

Q. Have you ever been through the canal?—A. I have. Some years ago the condition of the canal was a subject of a good deal of agitation here in this community, and many views were expressed in regard to what should be done with it; and I think that, on two occasions, I passed through it in a row-boat, simply to make observations, mainly for my satisfaction, as to its condition and to form an idea for myself, at least, as to what had better be done with it. I have never had any official duty in connection with the canal. I came to the conclusion, at that time, that the sewerage of the city ought to be carried out in some way so that the sewerage matter might be diverted from the canal. The question was also agitated at that time whether it should be improved and kept open as a canal for commercial purposes. It certainly has not been so used since I have lived in the District.

Q. State your opinion as to the expediency of keeping it open.—A. I have no doubt that it is inexpedient to leave it open as a sewer. It does not seem to me possible that an open sewer of that length, of so little fall, none practically, to receive the sewerage of a city of the present and prospective magnitude of this, can fail to be noxious, both to the health and to the senses.

Q. And if it were kept open for the purposes of commerce, would not the health of the city require the construction of intercepting sewers so as to leave the water of the canal pure as much as possible?—A. Yes, sir.

Q. State whether, if proper drainage is constructed, any objections, on the score of health, occur to you to the filling up of the canal—whether it will be beneficial, or otherwise, to the health of the city.—A. The one—and that may be a material objection, to filling the canal without making some provisions for carrying off the drainage of the city, that has occurred to me is, that it would make that part of the city quite damp; and prevailing dampness is well known to be injurious to health. My opinion is that the water that percolates through the soil should be carried off.

Q. State whether or not it would work off to the Potomac by the lower strata?—A. My impression is that it would work off so slowly that it might prove injurious to the health of the city, without such drainage.

Q. What would you suggest for such drainage?—A. In general, the common and familiar plan of underdraining; what is denominated tile-draining. Without having examined the question very particularly, my idea is, that there should be mains nearly parallel to the canal, somewhat above it, and with branches running down the several streets into those mains. I should put these as low as I could and obtain a discharge.

Q. Suppose a drain parallel to the sewer through Missouri avenue and B streets, as low as tide-water, running the whole length of the canal, and taking its place, would or would not that take off the percolating drainage?—A. If it had proper branches I think it would, without doubt.

By Mr. CHIPMAN:

Q. Would that be an expensive process?—A. Not very. It would be much cheaper than long sewers.

Q. Have you laid any such pipe here at your institution?—A. Yes, sir; some ten miles of it altogether.

By Mr. HARMER:

Q. Does that give you thorough drainage?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. What is about the cost of that?—A. I have just received a lot of 2-inch and 1½-inch pipe. The 2-inch costs \$35 a thousand feet at the factory, and the 1½-inch costs \$25 a thousand, without the collars. But the expense of putting it down would vary very much. I think the whole cost would be about \$1 a rod. It is often done, however, for less than that.

Q. Leaving out of view the value of this canal for commercial purposes, what would be your advice, in a sanitary view, as to filling it up, or keeping it open and making such proper drainage as you have referred to?—A. I think I should fill it up.

By Mr. POLAND:

Q. From your knowledge of the shape of the country and the character of the soil, do you think there is any difficulty in providing proper drainage for the water in the soil?—A. It seems to me there is not.

Q. What would be your reasons for filling it?—A. You must necessarily get a great deal of the surface-drainage into the canal, and a great deal of the filth. The canal is a long, level one. I can conceive it possible that it could be cleaned out with such care that the amount that would run in from the surface would not be materially noxious; but I do not think it is likely to be. Pure earth is known to be of itself a powerful absorbent of noxious gases. I would fill it up and underdrain the lands in the neighborhood, and then grade and pave it in such a way that it would be more healthy, practically, under any probable management than it would be likely to receive with the canal open. I may say that that question never presented itself exactly in that form, and I have extemporized these reasons; but that is as it presents itself to my mind at this moment.

By Mr. COOMBS :

Q. If the canal were dredged out, say 4 or 5 feet below high tide, and kept clean, do you think such as would run into it would be deleterious to the health of the city?—A. It appears to me it would.

Q. Can you state how many times its own volume sewerage water ought to be diluted with pure water, in order to become innoxious?—A. I cannot.

Q. Have you read the communication of General Meigs, Captain Patterson, and Dr. Hall, presented to the board of health?—A. I have not read the communication presented to the board of health. I have read Dr. Hall's article, recently published in the Patriot, in relation to the subject.

Q. If you filled up the canal you could easily make sewers, provided you had the means—covered sewers that would carry off the ordinary rains; but how would you carry off the floods?—A. In gutters, what I could not get into the sewers at a greater elevation. Heretofore, it has been carried off through the canal.

Q. If that is closed, have you made any estimate how large a covered sewer would be necessary to perform the service which the canal does, in carrying off the flood waters?—A. No, sir.

WASHINGTON, April 11, 1872.

JOHN SAUL sworn and examined.

By Mr. CHANDLER :

Question. Where do you reside?—Answer. I have resided in Washington about twenty years. Since 1854 I have resided in the county, on Seventh street road. My place of business in the city is on Seventh street. I live in the county, about three miles from Pennsylvania avenue.

Q: State your knowledge of the condition of the Seventh street road and your opinion as to the pending improvements.—A. The Seventh street road, during the period since 1856, has been in a most deplorable condition; at times it was little more than a bed of mud, which they would sometimes put a little gravel upon to make it passable; but in a very short time it would again become almost impassable. I have known times when I could not get from there with a vehicle into the city, and have had to walk along the sides of the road by the fences to get to my place of business. The road is very narrow, and there are deep gullies along by the side of it, so that a slight push would expose one to be capsized. On one occasion I met with a very severe accident on that account. The improvement was very necessary; but I think the board of public works have not gone far enough. I think they should have cut down the hills more, made the road wider, and macadamized it at some points.

Q. Where is that point of which you speak as being so dangerous?—A. It was just the other side of what is called Somers's Hill. On that occasion, in passing over that, I met a hack, and there was not room for both teams to pass; my carriage was struck by the hack and upset. Two years previous there had been a very severe accident there.

Q. Was that a turnpike?—A. Yes, sir.

Q. Did you ever make any complaint about it?—A. Yes, sir. We went to law with the company, but that did not amount to anything.

Q. Would not the difficulty have been removed if the road had been thoroughly graveled?—A. No, sir. It needed something more than that. I think that if the board of public works have made a mistake it is that they have not done enough; that is my opinion. There is no such road leading out of the city over which there is so large an amount of travel.

By Mr. HARMER :

Q. Does the travel from that section of country center upon that road?—A. Very much; but sometimes it has been in so bad a condition that when I have started to get into the city I have been obliged to return and come in by the Fourteenth street road.

By Mr. ROOSEVELT :

Q. Do you know what it costs to macadamize a road in the country?—A. I do not exactly; I know a good deal about labor, and I suppose that if I should make a calculation I could figure it out.

Q. Do you know what the board of public works have laid out per mile?—A. I do not; I know they employed an inferior class of labor.

Q. What do you mean by an inferior class of labor?—A. Colored people; they were never trained to the pick, spade, and shovel. A man must be trained for every kind of work. One who is trained will do twice as much work as one who is not.

Q. Do you mean to say that the men employed did not earn their wages?—A. I will say that many of the same class whom I employ do not earn their wages.

Q. Do you think the board of public works should lay out more than \$30,000 a mile?—A. I could not say.

Q. If you were told that they had laid out \$150,000 on five miles, would you say that they had not done enough?—A. It is possible they have not been economical.

Q. Do you want them to lay out more than \$30,000 a mile?—A. I want them to make a good road.

Q. Where do you live?—A. In the county, on the Seventh street road.

Q. Have you a farm there?—A. Yes, sir.

Q. Have you a store there?—A. No, sir; I have a store in the city, and I come in and go out regularly.

Q. Then it is greatly to your interest to have a good road; do you think it is for your interest to pay for it?—A. Yes, sir; and I think I shall find that out.

Q. If you had to pay the expenses of this road out in the country, would you be willing to pay your proportion?—A. No, sir; for I think it would be as much for the benefit of the city, and even more, than for the benefit of the country.

WASHINGTON, D. C., April 11, 1872.

Hon. H. L. DAWES examined.

By Mr. CHANDLER:

Question. Have you formed and expressed an opinion in reference to the filling up of the Washington Canal?—Answer. Yes, sir; I expressed my opinion on the floor of the House.

Q. What is that opinion?—A. That it ought to be filled up; I have no doubt about that. I was taken up there one day by one of the present members of the board of public works—taken all over it. That was when I was in the Committee on Appropriations. I went by the invitation of Mr. Mullett, when they were asking Congress to make a park of those grounds. I saw a good deal of it. I have seen a good deal of it at other times, and have smelt more of it for fifteen years, which perhaps helped me to my conclusion that it ought to be filled up. That is my private opinion.

Q. Did you express that opinion to the board of public works?—A. I did.

Q. Have you seen any reason to change your opinion on that subject?—A. No, sir; they were asking from us some appropriations in reference to it, and I told them I would not do anything for them until they were willing to fill up that canal, for that was the first thing to be done.

By Mr. CRANE:

Q. Provided the canal was thoroughly cleaned and made navigable, would you rather it should be filled up than cleaned out?—A. I do not see any use in the canal except to relieve the merchants of the city somewhat. You might as well have a good landing-place on the river bank as to have it there. It only brings the merchandise up a little nearer to the city, which is all the use there is for it. It brings the goods a little nearer to the avenue than to have a dock out near the monument.

Q. Have you ever examined the question, in reference to the health of the city, by filling it up?—A. It was with that view that I spoke. I cannot conceive of any influence, except an injurious one, from having it as it is. I saw several dead cats and dead dogs and some horses legs in the canal on that day. We undertook to count them. It was a very warm day, and I think we rather enjoyed other parts of our ride better than we did that.

Q. If you had seen a pure stream of water, would you have had any objection to it?—A. I have seen no use for the canal, and do not see any use for it, except to make a good landing-place for the merchants a little nearer the business parts of the city.

WASHINGTON, D. C., April 11, 1872.

B. F. SWARTZ sworn and examined.

By Mr. CHANDLER:

Question. How long have you resided in the city?—Answer. In the city and county about twenty years.

Q. Where is your residence?—A. On Rock Creek, near Brightwood; Rock Creek runs through my farm.

Q. Are you anywhere on the Seventh street road?—A. No, sir; I am about three-fourths of a mile from Seventh street road.

Q. Do you have occasion to travel over Seventh street road?—A. Yes, sir; I have done so when I could, although before it was paved there were very many times when it was dangerous. There were gulleys and quicksands on the road, and I preferred to come in on the route by which I could be safer.

Q. Has it been a dangerous road to travel upon?—A. It was a most deplorable road; as it was the artery from the best counties of Maryland, accidents were frequently happening on it.

Q. Were not the turnpike company responsible for damages?—A. Whether they were or not it never amounted to anything.

Q. Do you think it was a prudent and wise operation for the board of public works to repair that road as they have done?—A. There was no question about that. If the board of public works have done anything that should be praised and appreciated it has been for making a good road of that nuisance. It is now about 60 feet wide. They have cut down the hills, filled up the gulleys, and have been putting in stone bridges, and have made a very fair grade.

Q. Are they doing anything more than is necessary?—A. No; not at all. I would say that the work has been done with such a class of labor as they could get, which, when they commenced, was badly organized. I think if they had had different material to work with the work could have been done more economically. There has been some good work done; some of the labor is better than other. When they first commenced for a few weeks it was badly done. Mr. Shepherd got mad and discharged some of the men who proposed to make it a political job; said he would not have that; he was opposed to any such thing; he did not ask anything about a man's politics, but that the work must be done at any rate. After that the work went off pretty well until the freezing weather came on.

Q. Give some idea of the amount of travel on that road.—A. There is no question about that.

By Mr. ELDRIDGE:

Q. What are your politics?—A. I am a democrat clear through, sir.

Q. You took some active interest in getting the new government here?—A. I did; I came very near being nominated for Congress, but I turned it over to Mr. Merrick. At the time this organic act was under consideration I was up at the House and appealed to you.

Q. You thought it would be a liberal government?—A. Exactly; I thought so, and I am willing to have it so now.

Q. Do you mean to be understood that Mr. Shepherd differed with the men politically, and discharged them on that account?—A. No, sir; he did not want to have their meetings. He saw that these men were so much engaged in politics that they could not work; he would not have the men who were disorderly, and so discharged them.

Q. Were there any anti-loan tickets in your district at the time of the last election?—A. I did not see any of them; I happened to be judge or supervisor at one of the precincts. There were no anti-loan tickets sent that I know of. I remember that there was some trouble in the morning; we had some delay on that account.

Q. From whom were the tickets received?—A. They were sent out by a messenger called the governor's messenger.

Q. Didn't he bring any tickets against the loan?—A. I do not remember; I think not.

Q. Did you support the four million loan?—A. I did.

Q. Were there many votes against the loan in your district?—A. There were only six in my precinct. There were some persons there who were opposed to the loan, but they wrote their own tickets.

Q. Did not they have printed tickets?—A. I did not see any.

Q. Have you been one of the levy court?—A. Yes, sir. I was executive officer of the court in 1868, and have been supervisor of the roads.

Q. Why did not you make a better road of this Seventh street?—A. It was then in the hands of the turnpike company.

Q. Did they hold it under a charter?—A. Yes, sir; they would patch it up and take toll for it, but did not repair it.

Q. Do you know what the Seventh street improvements have cost?—A. I do not know.

Q. Do you know what they ought to have cost?—A. I could give no idea of it; I never went through it with any idea of determining the question. But I will state here emphatically that that work ought to be done, not only for the county but for the city, as it is worth more to the city than any thoroughfare leading into it.

Q. Is the road made wider, or is the grade any better than it should be?—A. No, sir. Any man with any public spirit would say that it was not.

Q. Does the cost of the building of this road fall on you to any amount?—A. Of course; I pay taxes on some two hundred acres of land, and some other property.

Q. Do you own any property along the road?—A. No, sir; only a very little lot that does not amount to anything.

Q. Are there any sidewalks?—A. There are no sidewalks. There are simply gutters, to save the road from being washed. There is no footwalk. The whole road is about 60 feet wide, probably the main traveled road is about 50 feet wide. The gutters are on the extreme outside. There is a space between the gutters and the fences where people can walk in some places, but that is not prepared especially for walks.

By Mr. ROOSEVELT:

Q. Do you know the cost of macadamizing a road in the country?—A. That depends on the filling, grading, &c.

Q. What would be the cost per mile?—A. I do not know the cost per mile. We are hauling rock where we are making a road which cost \$1.50 to \$2 a perch. They macadamize this road in the middle about 16 feet, putting on a depth of the rock about 10 inches. The breaking of the rock can be done for about 70 or 80 cents a perch. They have paid for all \$2.50, but they expect to get it for less.

Q. You have no recollection of the amount by which you can state the price per mile?—A. No, sir; I should only have to take the *data* I have given; grading is done in any event.

Q. Is this road that you speak of passable now?—A. Yes, sir; but it is not finished.

Q. Did Mr. Shepherd say that politics should have nothing to do with the road before or after the election?—A. It was before. He said he intended to do the work as cheap as it could be done and as well as it could be done. I told him that if that was the case I agreed with him.

Q. Is there a space between the macadamized part of the road and the gutters which is liable to be washed out?—A. Yes, sir; there is a space on each side of the drive-way, between it and the gutters. The gutters are each of them 3 feet wide, and they hold all the water that runs into them. The road is so built that the water runs off freely into the gutters.

By Mr. ELDRIDGE:

Q. What kind of stone is this road macadamized with?—A. What we call in Virginia "nigger-head;" it is a kind of round cobble-stone.

By Mr. HARMER:

Q. How wide are the roads?—A. I think that inside of the gutters it is about 48 or 50 feet.

Q. Is there too much money being expended on that road?—A. I do not think there have been too many improvements there; but I could do as much work with ten hands as some of you members of Congress would do with forty. You do not understand the character of the labor that is employed. The men who have been employed have not done all the labor that should have been done. I do not think that those who were employed by the board of public works were the best class of labor. They were all sorts—Irish, Dutch, colored gentlemen, and white men.

By Mr. CRANE:

Q. Did you furnish stone on that road?—A. I furnished a portion of it.

Q. Are you interested in any other contract?—A. No, sir; and while I hauled 200 perches of the stone the man who voted against the loan bill hauled a thousand.

Q. You said there were only six tickets in your precinct against the loan?—A. Yes, sir.

Q. Were they printed?—A. No, sir.

Q. Did you count them?—A. O, I counted everything. I am the man to count when they put me there for it.

Q. You did not see any printed tickets against the loan?—A. No, sir; I never saw one.

Q. Did you notice the corporation messenger come out there with tickets?—A. The messenger brought out the ballot-boxes, and about the same time the tickets came along. I presume they came from the same source.

WASHINGTON, D. C., April 11, 1872.

JAMES M. LATTA duly sworn and examined.

By Mr. CHANDLER:

Question. Please state your residence and occupation.—Answer. I reside in Washington; am a real estate broker.

Q. How long have you been in that business in Washington?—A. Seven years.

Q. Have you during that time been familiar with the prices of improved and unimproved real estate?—A. I have.

Q. State what the condition of prices has been for the last year and a half or two years, and up to the present time.—A. Real estate had a great impetus at the close of the war, which went on until 1868, when it fell off and was rather stagnant until about a year ago; in fact, immediately after the passage of this loan-bill there was quite an advance until about the time of the beginning of this investigation, when another stagnation in real estate took place; and during the last December, January, and February there was scarcely anything done, and even up to the 10th or 15th of March. Since that time real estate has been moving and at better prices, and, in fact, has considerably advanced within thirty days.

Q. State the effect of the system of improvements inaugurated by the board of public works upon prices, so far as you know.—A. I know of no single locality in Washington City in which real estate has not been advanced in consequence of the improvements. Take it in South Washington, or in the extreme eastern part, or in the northern or western or

central part, all unimproved property has increased in value; improved property less than unimproved.

Q. State whether or not you have prepared any statistics showing any changes in real estate here.—A. We did prepare a comparative statement which was taken from the official records of the city of the transfers of real estate, and the number of transactions and the consideration in 1871 as compared with those in 1870. It was published in the *Star*, a copy of which I have. It was published March 1, and signed by Kilbourn & Latta, our firm.

By Mr. ELDRIDGE:

Q. Is that a true statement?—A. It is taken from the official records of the city; I drew it up myself.

The statement referred to was put in evidence, and is follows:

“REAL ESTATE OFFICE, KILBOURN & LATTA,
Corner Fifteenth and G streets, February 29, 1872.

“EDITOR OF THE STAR: The transactions in real estate in the city of Washington for the past year shows a healthy and encouraging progress, and is a matter of congratulation to those who have faith in the grand future of the nation's capital. The recorded transfers of Washington City property in the year 1870 numbered 2,065; the aggregate consideration expressed being \$4,927,000; the average consideration for each transfer, \$2,386. The recorded transfers of Washington City property for the year 1871, are as follows:

Months.	No. of transfers.	Consideration.
January	191	\$478,000
February	142	384,500
March	191	504,800
April	181	520,562
May	211	661,000
June	279	779,600
July	228	613,000
August	213	484,950
September	191	488,600
October	276	821,494
November	206	833,231
December	243	859,700
	2,552	7,447,437

“By this comparative statement it will be seen that the number of transfers for the year 1871 exceeds those of 1870 by over 20 per cent., and the aggregate consideration paid is 50 per cent. greater than in 1870. The average consideration for each conveyance is nearly \$3,000. While the transactions were largely increased, the value of the property conveyed in 1871 is one-half more than in 1870.

“This exhibit illustrates the substantial progress and prosperity of our city in a manner that is convincing, and to a degree that is highly flattering to our friends and equally discouraging to capital-movers and croakers—local and otherwise.

“The increase in the value of the property conveyed is owing largely to the fact that persons of wealth from all sections of our country are purchasing residence sites, and making investments here, with a view of making Washington their winter homes and enjoying the many and rapidly increasing attractions of the nation's capital. With a united purpose on the part of our citizens in pushing forward improvements and beautifying our city, the more rapidly will capital seek investment in our midst, and within a very few years Washington will be the pride of every American citizen.

“Very respectfully,

“KILBOURN & LATTA.”

By Mr. CRANE:

Q. Are the names of the parties put in there?—A. No, sir.

Q. Will you state some instances where the real estate has advanced, and the names of the owners?—A. I might state a very recent instance, a piece of property that was sold on Sixteenth street, for seventy-five cents a foot, in August last, which has been sold for one dollar quite lately. The present purchaser is Mr. Bradley Barlow. It was sold by us for Mr. Stutz, I think; it is in square 181. The lots on the corner of Fourteenth and K were sold last October or November for about 92 or 93 cents a foot. We sold those lots over again a short time ago for \$1 25 a foot, and we sold them again five days ago for \$1 75 a foot. J. W. Thompson was the purchaser in October. We sold to General Jeffreys and some other parties, Messrs. Hillyer, Ingersoll, and Johnson. It was last sold to Mr. Jessup, of Philadelphia; his draft was received this morning for the whole property; it was a cash sale, and I will add that Mr. Jessup in his letter asks our advice about building on the entire property, putting up three houses that will cost \$20,000 each, and reserving a lot 58 by 112, on

which he proposes to build a private residence that shall cost \$60,000. I will add that he is only one of not less than twenty-five gentlemen reputed to be worth all the way from \$500,000 to two or three or four millions, that propose to come into this city, and who have been induced to buy property because the streets were put in good condition, and it looked as though we were going to make a handsome city.

Q. Have not these street improvements, near this property, been made since the first sale?—A. Yes, sir. It is supposed that the party purchasing last pays for these improvements.

Q. Do you know the views of Mr. Thompson in regard to these improvements?—A. I do not. I have heard him speak against the manner in which the improvements have been done.

By Mr. ROOSEVELT :

Q. Your way of selling property here is so different from ours, that I should like to have you explain it, whether you mean \$1.75 a square foot?—A. Yes, sir.

Q. How deep were the lots?—A. There were four lots 153 feet and some inches on K street, and 108 feet on Fourteenth street. There was an alley running up the middle, I believe; the whole amounted to 17,600 square feet; the amount of the purchase was about \$30,000.

By Mr. CRANE :

Q. Has the property in the District been assessed below its actual value?—A. Some property has been assessed at more. My idea is that property ought to be assessed at about two-thirds its cash value, about 66 per cent. I know very little about present assessments. I know that the property on which we are located is a leased property, and it is assessed at \$3 a foot. It is probably worth from \$5 to \$7.

Q. Does the same rise occur all through the city as in that section you speak of?—A. Not so largely.

Q. Has there not been in other portions of the city a corresponding depreciation?—A. I said I knew of no section where real estate has not advanced.

Q. Do you think you can sell property now for as much as it would have brought a year ago?—A. Yes, sir.

By Mr. ROOSEVELT :

Q. Do you think that the property on F street, from Seventeenth westward, has been increased in value?—A. I should say up to Eighteenth street it had been; west of Eighteenth street it is more problematical. It has been increased in value in one respect, and perhaps damaged in another. It has been left so high above the grade that it may cost something for a good underpinning of the houses; and, on the other hand, it will give an opportunity for cellars under the houses. The number of steps necessary to get into the houses may, in some respects, counteract that benefit. But I should think the property worth quite as much now as before the grading was commenced there. While it has been appreciated by being thoroughly drained, it has been depreciated somewhat by raising the houses so high.

By Mr. CHANDLER :

Q. Would you rather take that property to sell now than before?—A. The cutting down of the grade has attracted attention to it, and I doubt whether the property would sell for more west of Eighteenth street now than it would a year ago. I think that the unimproved property in that section has advanced, and I doubt whether the improved property has depreciated on the whole at all.

By Mr. CHIPMAN :

Q. Have you any property there?—A. None at all of my own. I have property for sale there.

Q. Has not the property south of the avenue and west of Seventeenth street been unsaleable heretofore?—A. It was almost impossible to sell anything there.

Q. If it should spring into market now, would you regard that as attributable to the improvements?—A. I would. Further south, on the low land, there has been something of a demand, and some wealthy and prudent men in Washington have been investing down as low as C and D streets, along about Eighteenth, Nineteenth, and Twentieth streets. There was no market value for this property before, and it could not be sold at all for anything; now it can be sold.

By Mr. CRANE :

Q. How do you account for the rise of property at the corner of Fourteenth and K?—A. Partly because it is a matter of fancy. Some men will give from one to three dollars more for a lot which happens to suit them. But it is perhaps as largely to be accounted for in the fact that Fourteenth street has been paved, and that the improvements are substantially completed in all the streets in that vicinity. Real estate has enhanced a good deal in value out on Sixteenth street northwest, where there have been no improvements, in consequence of

the improvements in the vicinity. It has advanced in some localities 100 per cent. in eight months.

Q. Are they not cutting a road through, out toward Sixteenth street, toward Mr. Brown's houses?—A. They are cutting a road out toward the country.

Q. That is a very deep cut there.—A. It looks to me like a very deep cut.

Certain corrections in the testimony of Captain W. W. Moore were admitted, and are appended; also a letter with reference to the price charged for the concrete pavement of Thornton Smith.

W. W. MOORE, witness for memorialists, corrected his testimony as follows:

WASHINGTON, April 9, 1872.

To the Committee of the House of Representatives for the District of Columbia:

GENTLEMEN: It has been a month since I appeared as a witness before your committee, and have just had an opportunity to peruse my testimony as recorded in your proceedings, at pages 353, 354, 355, and 356. I disclaim and repudiate some of the material parts of that report.

I did not state (page 153) that my review was founded on papers committed to me "on the one side and the other;" but that certain papers submitted by the governor had been placed in my possession for examination by the counsel of the memorialists, with the information that I would be summoned to testify as to their accuracy.

2. I did not say (page 153) that "the papers I have examined are true, as I can establish by the records made officially." On the contrary, every word I uttered showed them to be unreliable, as has been fully shown by the new statements subsequently submitted by the governor, which confirm the justice of my criticism. I did say, in reply to an inquiry of the chairman in reference to my own statement, that it was truthfully prepared from the exhibits submitted by the governor on the one side and from official records of the corporation on the other side. It is the omission of the interpellation of the chairman which makes me affirm to the truth of the papers which my testimony controverted and confuted.

3. All that I said (page 353) in reference to the extravagant expenditures of the new government for advertising is omitted, with the exception of a single line. I was not permitted to read the details I had prepared on this subject; but I stated distinctly that the conclusions I had reached by investigation, as a member of the committee on printing of the house of delegates, and by evidence given before the committee by publishers of newspapers, that the amount of patronage to the newspaper press was not less than \$131,343, which was \$30,122 more than the amount given in the statements of the officers of the governor.

4. I did not say in reference to patronage to newspapers, (page 356,) that "I reach a total of \$166,796 more than is contained in the statement of the governor." No such figures ever entered my mind in connection with this patronage. My highest estimate was \$140,000, embracing all the patronage thus given, which would be about \$39,000 more than was reported as "paid" by the government. I did not say that I had any reason to change this estimate, but admitted it might be reduced several thousand dollars if the publication of the laws was included in certain inexplicit bills which I had seen.

5. My evidence relative to the ten-year bond fund is very erroneously recorded. This statement, as well as my other statements, were left in possession of the clerks of the committee. I read the essential part of it, but it does not appear on the record. I did not say on cross-examination (page 353) that warrants were made on the "treasurer." A warrant, as it was called, was a check on the deposit bank; the corporation had no treasurer. I did not say (page 354) that the mayor checked indiscriminately against the ten-year bond fund, nor did I "suppose" that such was a matter of fact. On the contrary, I read from the letter of Mr. William S. Huntington, the cashier of the deposit bank, (page 194,) his affirmation that "no checks have ever been drawn or paid against this fund except for interest on the bonds." This plain quotation is recorded thus: "The bank, as Mr. Huntington says, had no check *overdrawn* against the fund or paid." The difference is material.

6. I did not say (page 354) that I "supposed" that moneys collected on account of the ten-year bond fund by the new government had been deposited at the Metropolitan National Bank; I never dreamed of such a willful violation of law, and made no such answer, as is shown by what follows, that the bank could have made no statement of this fund unless it were in possession of it.

7. At page 354 I am reported as having got my statements "from the bills." I said nothing of the kind in this connection. My statements were founded on the data I have before mentioned—the statements submitted by the governor, and the official records of the late corporation.

8. At page 355 the record refers to "lists" in possession of the secretary of the District. To understand what is meant by "lists," the word "laws" must be submitted. I did not say that I had ever called upon that officer to see the laws. I had said at the beginning of my examination that I had called at the executive office to see the bills for printing, and this testimony is here jumbled with a different question relative to the "laws," which in the record are designated as "lists."

9. At page 355 I am represented as saying that the publication of the laws would not

cost \$10 per column. The important qualification is omitted that they would not cost that sum if charged at the rate established for the publication of the laws of the National Government.

10. At page 354 my estimate of the total salaries paid by the district government is omitted. I stated those salaries, including officers of the board of public works, and board of health, and other employes unauthorized by law, at \$719,843, and the salaries of the late corporations at \$423,004; show a difference against the present government in salaries alone, for one year, of \$296,809. I was not permitted to read the details, but stated the results, which do not appear on the record. They are inserted, however, at a different stage of the investigation, in the proceedings of the next day. To the record of that day I take no exception, unless to the words (page 357) "and which I think, perhaps, should have been done." I do not think I made this admission.

I have not pointed out all the mistakes in the record of the preceding day, but those only which I suppose to be of most consequence. I regret very much that I was not allowed to submit my carefully prepared statements in a connected form, as other like papers containing numerous figures were submitted, holding me subject to such cross-examination as your honorable committee might desire.

Very respectfully, your obedient servant,

WM. W. MOORE.

Letter of the Secretary of the Navy relative to Thornton Smith's pavements.

NAVY DEPARTMENT, Washington, April 8, 1872.

SIR: I have received your communication of the 29th ultimo, requesting, on behalf of the board of public works of Washington, to be furnished with a statement of the cost of concrete pavements laid by direction of this Department: and also the bids for the work.

The Chief of the Bureau of Yards and Docks reports that no pavements of the kind for travel have been laid in any of the navy-yards. The floors of the prison-cells at the navy-yard, Washington, are of this material; they were laid by Mr. Thornton Smith, and contained 334 square yards; for which he was paid \$334. On the 15th of December, 1868, Mr. Smith proposed to lay down his concrete pavement in the store-house, at the same yard, of three inches thickness, for \$2.50 per square yard. The object of this was merely to render the basement dry and free from dampness.

From reports from the Naval Academy, Annapolis, Maryland, it appears that, in the year 1869, a concrete pavement was laid at the Academy, at a cost of 16 $\frac{3}{4}$ cents per square foot, (\$1.50 per square yard,) by Mr. Thornton Smith, and that Mr. Cornelius Burlew, of Washington, is now putting down some of the pavement at a cost of 11 $\frac{1}{2}$ cents per square foot, (\$1 per square yard.) No other bids were offered for laying these pavements, as it appears. The pavement laid in 1869, by Mr. Smith, was for walks only, and the thickness of the whole was from two to two and one-fourth inches. The pavement now being laid by Mr. Burlew is also for walks. The concrete is laid over the old brick pavement, and is one inch in thickness, except in the depressions in the pavement. On one walk the concrete is laid on the earth, and is two inches thick.

I am, sir, very respectfully,

GEO. M. ROBESON,
Secretary of the Navy.

HON. ALEX. R. SHEPHERD,
Vice-President Board of Public Works, Washington, D. C.

WASHINGTON, April 11, 1872.

General O. E. BABCOCK duly sworn.

By Mr. CHANDLER:

Question. Are you the officer in charge of the public buildings and grounds in this city?—Answer. Yes, sir.

Q. Please state your rank in the Army.—A. I am a major in the Corps of Engineers in the Regular Army.

Q. Did you graduate at the Military Academy?—A. Yes, sir.

Q. Into what corps did you enter?—A. Into the Corps of Engineers.

Q. When did you take charge of the public buildings and grounds?—A. On the first of June last.

Q. State whether or not you have had occasion, in your official capacity, to investigate the subject of the Washington Canal; and, if so, what have been your conclusions as to the expediency of filling it up?—A. Immediately on assuming charge of the office, I made a visit to all the buildings and grounds placed under my charge, so as to see their condition;

and early in the month of June the subject of the Smithsonian grounds and the grounds along the canal received my attention. Visiting them a number of times, as I did, I saw the condition of the canal, the filthy and the horrible condition in which it was. I came to the conclusion, from the examination and inquiries made, that the only remedy would be to fill it up. I also found that the Smithsonian grounds, which are the most beautiful in the city, were not frequented by ladies except when accompanied by gentlemen, and that nurses and young children did not go there, as would usually be expected. I made some inquiries in reference to the question, thinking that the fault might be in connection with the policing of the grounds, and I was convinced that that was not the cause. I had a conversation with Major Richards, or some other police officer, in reference to the policing of the grounds, so as to keep them in such a condition that the best people would resort there. The officer that I saw, perhaps it was not Major Richards, told me that they made a great many arrests there; that it was a place where the lowest classes resort. I concluded that much of this arose from the condition of the canal and from the fact that the poorest classes of people occupied that vicinity. I passed several times along the bank of the canal and found it in a very filthy condition, and I concluded that the fact that nobody visited this park was on account of the condition of the canal and that portion of the city. I was satisfied that the only remedy for it was to fill up.

Q. State whether you ever expressed to the board of public works your conviction that the canal should be filled up.—A. I did. I think my first conversation was with Mr. Smith, at the Botanical Gardens; afterward, I think, I saw each member of the commission having charge of the canal, although I did not see them together; I expressed my opinion to them individually that it was best to fill the canal. I remember, also, that I conversed with Professor Henry about the matter, and received a great deal of valuable information, and regarded his opinion upon it as very valuable. I was gratified to find that I had arrived at the same conclusion that he had, although I had not consulted with him previously. I consulted with him in regard to the policing of the grounds, and he agreed with me that the condition of the canal, and the character of the people along its borders, had a tendency to keep away visitors from the grounds.

Q. Can you conceive any injury to the health of the city by filling the canal?—A. I cannot, if it is filled to the depth proposed.

Q. If sewers are constructed to take the place of the canal, would the filling in of the earth and the covering up of this filth, produce exhalations that would be injurious?—A. I cannot conceive that it would if it were filled up to the depth proposed, and the ground were planted and covered with grass and trees.

Q. State whether, in your opinion, a sewer to take the place of the canal should be constructed along the side of the canal, or in the bed of the canal.—A. Undoubtedly it should be along the side of the canal, if for no other reason, as a matter of economy. To build a sewer in that mud-hole would be so expensive, while the dirt to be taken from the excavation in building a sewer along the side of the canal can be used for the purpose of filling the canal.

Q. What would be your opinion of arching the canal?—A. It is not a practical question; to put an arch across there of 90 feet span would involve an immense expense. Of course, the old walls would be of no service; new walls for sustaining the arch would be required.

Q. Suppose it to be narrowed, and then arched.—A. Then it would be simply a big sewer, and it might as well be on the side of the canal as in the canal. I should prefer building it on the side.

Q. State your opinion as to the effect of the canal, in its present condition, on the health of the city.—A. I have had no medical observation or experience. In my judgment, it is a source of a great deal of malaria; and nearly every night in the summer season we have a breeze from the south, that blows across the canal, and the malaria is blown straight into the heart of the city.

Q. State whether the dredging of the canal would be a sufficient remedy.—A. I think it would improve the condition that it has been in for the last forty or fifty years; but even if dredged, I do not think it would be proper to turn the sewerage into it. The sewerage should be carried off into the deep water of the river; that is the experience of all large cities—that the sewerage should be carried into deep water. I think the fact that there has been an attempt to keep it dredged for forty years for commercial purposes shows that the cost has been too much to compensate for the advantages derived from it.

Q. State whether you would apprehend any difficulty if the canal were filled up, and a covered sewer taking its place, leading to deep water, in the case of heavy rains and freshets.—A. My observation has been that the water that has collected in the city has been from the back-water, and not from the water that comes from the sewers or the rains; consequently, I do not see that it would make any difference whether it comes through a 4-foot or a 9-foot sewer. It would be for the engineer to consider how large a sewer would be necessary to carry off the rain that falls in a given time. If the sewer is large enough to carry off what falls in a half hour, it will carry off what falls in twenty-four hours, because it is simply a conduit. I take it for granted that the engineer would solve the problem in regard to the size.

Q. Do you consider the canal of any commercial value?—A. I think that when you have

the water-front that there is to this city, and the water of Rock Creek and Eastern Branch, you do not need any canal through the center of the city.

Q. What do you regard as the best method of improving the water-front?—A. I think there should be a line of slips running from about where the observatory is along down to the Long Bridge, on the south side of the flats, and that the flats themselves and the channel on this side should be filled up.

Q. Have you observed the general plan of improvements adopted by the board of public works?—A. I have taken considerable interest in it, and I have a pretty general idea of their plans.

Q. With reference to the system of grades adopted by them, do you consider them wise and judicious?—A. I do not know of any which I do not so consider.

Q. Where do you reside?—A. On G street, between Twentieth and Twenty-first streets.

Q. How much has the grade been reduced at your house?—A. From two to three feet below the old curb-stone.

Q. Have you observed the improvements in that vicinity?—A. Yes, sir.

Q. Please state your impression as to whether they are expedient and worth the cost?—A. I think the improvements will be very advantageous to that part of the city. There used to be, in that vicinity, after each rain, a great many pools of standing water, and that section has the reputation of being unhealthy, chills and fever prevailing. This grading will improve that part of the city by allowing the water to run off toward the river, and the lower grounds can be filled from the dirt taken from the streets. I regard the improvements in that section as important to the health of the city, both to the War and Navy Departments, to the Executive Mansion and Treasury Department. I think the healthfulness of all of these places will be improved.

Q. Suppose the river improvement to which you refer to be carried out, and the dikes built up and the flats covered; will that improve the health of the city?—A. I think it will materially; because at the present time, at every rise and fall of the tide there is a bank of mud exposed, and exhalations come from it which, I think, are very unhealthy.

Q. Referring to the condition of things surrounding the Smithsonian park, I should like to know if you are acquainted with that region of the city known as Hooker's Division?—

A. I am informed that it is along the line of the canal. I cannot tell you exactly the locality, although I remember when I was conversing with the police officers upon the subject of the Smithsonian grounds, I was informed that the inhabitants of that section of the city were in the habit of frequenting those grounds. I do not know the points exactly, but I know all that part of the city to which you refer is inhabited by the very lowest class of people, and that it borders upon these park grounds. The only access to these grounds is over two or three bridges, and, in order to reach them from the north side of the canal, you have to pass through this very community. It is an actual fact that there are a great many people who will state to you that they have not been to these grounds, nor visited the Smithsonian Institution, because they think it is not a proper place through which to pass.

Q. Do you think that filling up the canal will make that section of the city any better?—

A. It will improve the property in that section of the city, and a better class of people will be introduced there. In that case, that portion of the city will be a desirable portion to occupy.

Q. Will it not have the effect to drive out this class of people of which you have spoken?—

A. Most certainly.

By Mr. ROOSEVELT:

Q. What depth of earth will be required to fill up the canal?—A. From three to five feet. That will be sufficient to keep off any noxious gases. The effect of fresh dirt will be to purify the gases, and the turf and grass and trees will prevent any deleterious influence. But if, at any time, it were found that there was water there, that might be remedied by a blind-drain, or tile-drains, on the same principle that you drain grounds for agricultural purposes.

Q. What is a blind drain?—A. It is a ditch filled at first with coarse stone, the ditch being filled in with smaller stone, which allows the water to settle through it to the bottom.

Q. Do you know who owns the land in the river that you propose to fill in in order to make a water-front?—A. I do not know; I was told that some gentleman in the city owned it.

Q. Who is the person that you have heard of as owning it?—A. I was told that Dr. Kidwell owned it. It is only a general rumor. I heard that he had made an entry as upon the public lands.

Q. Does that apply to all of it from the south side of the canal upwards?—A. No, sir. The canal runs east and along the Government grounds. At Seventeenth street there is an outlet to the south toward and through these marshes. I have made an examination, and I have found some eleven or twelve acres have been washed off from the monumental grounds.

By Mr. HARMER:

Q. What depth of water would there be along the line of the wall that you proposed building?—A. I think somewhere about 20 feet. We would not need any greater depth than that over the bar this side of Alexandria.

[Witness at this point exhibited from the map the lines of the proposed dike and the extent of ground that is proposed to be filled in.]

Q. Do you understand that the claim referred to covers the whole of that flat?—A. I so understand it. The line of the wall you made would furnish wharfage-room enough from Georgetown to the Eastern Branch; would be more than twice the amount required by this city for many years to come, even allowing for a very rapid increase.

Q. What effect would the filling in of that tract of land have upon the depth of the channel of the river?—A. I do not think there would be any trouble at all if there is proper provision made for the outlet of water that comes from above.

Q. You think it would not injure the navigation of the river at all?—A. No, sir. I think it would rather improve it?

By Mr. ELDRIDGE:

Q. What effect would this have upon the current of the river?—A. There is not much current there now. I do not think it would injure it at all.

By Mr. HARMER:

Q. Would it increase the current?—A. Not materially, as the tide sets up here so that the current is not very rapid; at low tide it might increase it somewhat.

By Mr. CHIPMAN:

Q. Would not the confinement of the water to a narrow channel have a tendency to keep the channel clear by increasing the force of the current?—A. Undoubtedly it would somewhat.

Q. Where would the deposit of the river be made in this case?—A. Farther down the river if the river is narrowed.

By Mr. ELDRIDGE:

Q. Where the *débris* would be carried out farther?—A. Yes, sir. In coming to my conclusions on this subject, I have had reference to some conversations I have had with General Humphreys and Captain Patterson; but they have expressed no opinions that have convinced me that the plan that I have suggested would be at all deleterious. General Humphreys, I know, is regarded as very high authority on this subject. The Engineer Department have a great deal of recorded observation on this river, as far back as to the time of the building of the Aqueduct Bridge.

Q. In regard to the grade on F street and the lateral streets; have you observed the grades there?—A. Yes, sir.

Q. Will you state your opinion as to the present grade, whether you think it is a proper one?—A. I am of the conviction that it is the grade which should have been established years before. I think if there is any mistake in this question it is in the legislation. The problem given to the board of public works has been one of engineering. I think that the people would not object to these improvements if there had been legislation to provide remuneration for damages in full, and I think that the complaints raised arise from the fact that this was not provided for by legislation. Considering it simply as a question of grade, for the purpose of drainage, the circulation of the atmosphere and easy communication, and the ornamentation of the city, I think the grade is the one that should be established there. As an illustration: Going along Pennsylvania avenue you can now look right down these cross-streets to the river. It makes a beautiful effect in that way, which should be taken into consideration in the establishment of the grades of the city.

Q. Would not the grade have been more desirable for the purpose if it had not been cut down quite so much?—A. I do not think you could have accomplished this without making it as deep as it is.

Q. What has been the effect, in your judgment, up to the present time, of the improvements, in that section, upon the value of the property in that vicinity?—A. I believe it will increase the value of the property. That is my feeling in regard to a small piece of property that I bought there before the improvements were commenced. The mass of the property is unimproved.

Q. Have you noticed the house called Mrs. Carroll's house there?—Yes, sir.

Q. What is your opinion of the effect on such property as that?—A. I think that with a reasonable expenditure, that property might be very much improved in consequence of the grade.

Q. Do you know the houses said to belong to Mr. Shepherd there?—A. I know where they are.

Q. Have you noticed them since the grade was lowered there?—A. I have passed there several times.

Q. What is your opinion as to their having been built with reference to the present grade?—A. I do not think that was considered at all. The cellars were built a year and a half before the buildings were started. I used to go by there every day. The present buildings are the same, with the same cellars, that were there a long time before the territorial government was established.

By Mr. HARMER :

Q. Do you know whether these cellars were dug before Mr. Shepherd bought the property?—A. I understood so. I understood Mr. Kennedy was going to build there and that the cellars were dug with reference to the grade as fixed at that time.

By Mr. ELDRIDGE :

Q. If they had dug the cellars in reference to the present grade, in what respect would they have been different?—A. They would have had a basement and a cellar underneath.

Q. Is there anything in the construction of these buildings which would indicate that they were not built with reference to the present grade?—A. Yes, sir; from the very fact that they had to re-face the wall, at considerable expense. If they had anticipated the present grade, they would have built the walls differently.

By Mr. CRANE :

Q. If you were to build a residence there would you construct your house upon the lot as it now stands, or would you cut down the grade?—A. I think I should give the house a good elevation.

Q. Suppose you wanted to construct a nice residence, and a stable in the rear; in what way would you get to the stable as it is now?—A. I would look around to see if there was not an alley by which I could get to the stable.

Q. Supposing there was an alley; in what way could you get up to your stable?—A. I would go through the alley; it would only have to be graded from the inside of the sidewalk. There would be no difficulty in grading it up for that short distance.

Q. In your judgment, will not the ground at the residences of Mr. Randall, Mr. Lenthall, and Mrs. Carroll have to be graded down to a level with the street before the houses can be made habitable?—A. No, sir; they are habitable now.

Q. Do you think a house is in a habitable condition where there is no way to get in coal and wood except to carry them in through the front steps?—A. Many such houses are inhabited in cities.

Q. Do you know any way that Mr. Randall, except through the front steps, can get in coal and wood?—A. I think he can by the back way; I do not think there would be any trouble. If there is an elevation in the alley-way, you can overcome that easily.

By Mr. HARMER :

Q. How far from the line of the street is his house situated?—A. I do not remember; but in going back from the sidewalk, you could give him a good grade for an alley, though not a good one for a street. I have frequently seen houses elevated 8 or 10 feet, and alleys running back to them. I do not see anything that cannot be easily overcome, where it is simply a question of getting in a few tons of coal or fuel, or some tons of hay for horses.

By Mr. CRANE :

Q. Suppose the ground is so situated that there is no chance for an alley; what would you do?—A. I do not consider that a conceivable case. You might have an alley condemned; you might have a house condemned and torn down, if necessary, but the people would have a right to remuneration.

Q. How high would you recommend filling up the flats for dikes along the Georgetown channel?—A. I cannot tell; but of course above high water.

Q. Would you recommend a sea-wall?—A. There might be a sea-wall, or it might be built of wood, on piers filled in behind, and it might serve perfectly well.

Q. In order to protect the people from damage by freshets would not the wharves have to be constructed so high as to be of no use?—A. Not at all.

Q. Is not the water on Water street in Georgetown sometimes 5 or 6 feet deep?—I do not know; but I have been where they have a rise and fall of tide of 25 feet, and they get along very well with that.

Q. Who is Dr. Kidwell, that you named?—A. He is a druggist in this city, I believe.

Q. You spoke of the difficulty of keeping open the canal by dredging in consequence of its filling up rapidly?—A. I said that the expense would be so great that I did not think they would do it. There is no impossibility at all; but I do not think it will be advantageous to do it.

Q. Did you advise the opening of the James Creek Canal?—A. I did.

Q. Is there not the same difficulty there?—A. That has to be dredged only from the south side of Maryland Avenue down to the arsenal.

By Mr. HARMER :

Q. Is the opening of James Creek of any importance to the General Government?—A. I do not know that it is. The General Government dredged out a part of it to accommodate the arsenal. I do not know that it is of any special use to the Government to keep this open, except to assist in keeping open the other.

By Mr. CRANE :

Q. You spoke of the canal as being a source of disease. Have you heard that it is more unhealthy there than in other portions of the city? A. I have.

Q. One reason you gave for filling up the canal was to keep out the poor class of people?—A. Yes, sir; when the canal is filled up that section of the city will be improved, and that will drive them out.

Q. Do you think it will drive out the manufacturers and lumber establishments there?—A. Yes; I think they will go farther out toward the river, where the land will be cheaper.

Q. You think that the reclaiming of the land on the river will increase the value of property in that section?—A. I do, undoubtedly.

Q. Is not that contrary to the laws of supply and demand?—A. I do not know what you mean. When you improve a river front and have a good system of docks you increase the value of the property of the city, because you encourage commerce and produce facilities for it.

Q. Where do you propose to get the earth to fill the canal?—A. A portion would come from the dredging and the rest could be very easily supplied from the upper part of the city; it would be a very simple expense to lay a railroad track along Rock Creek and bring it down from there.

Q. You say there is no commercial value to the canal. Would it not be for the purpose of bringing in wood and coal?—A. I do not think it would be of any great advantage, and it is not even used for bringing coal there now.

Q. Are you a member of the advisory board?—A. Yes, sir.

Q. Have you been consulted on these general plans?—A. I have been, on most of them.

Q. Have you ever met General Meigs, General Humphreys and Mr. Olmsted?—A. I have never met Mr. Olmsted. I have met Generals Meigs and Barnes and Humphreys.

Q. Did General Barnes and General Humphreys approve of the plans of the board of public works.—A. I do not think General Humphreys was in favor of filling up the canal, although that matter was determined on before the advisory board was established.

Q. Did you make any protest against filling of that portion of the canal between Fourteenth and Seventeenth streets?—A. No, sir.

Q. You knew it was going on?—A. Yes, sir.

Q. You are putting a new 36-inch main from the reservoir?—A. Yes, sir.

Q. When will that be completed?—A. Under the existing contract the work should be completed in the course of a month; it will not be much beyond that.

Q. What other mains are there?—A. A twelve-inch and a thirty-inch; these will be cross-connected wherever the pipes are laid. The object of these is to be used in case of injury to the mains and to turn either one pipe into the other; and also to throw water into the higher part of the city.

Q. What will be the supply?—A. About 30,000,000 gallons of water per day from the three pipes.

Q. What is the estimated consumption?—A. I do not know; I know that will give this city a greater supply to each individual than any other city that I know of in the world has.

Q. Would it be sufficient to supply twice the present number of people?—A. I think it would be sufficient to supply half a million of people.

Q. Could the water be made available to flush the sewers at night?—A. There would be no trouble about that. Either the twelve or the thirty inch or thirty-six-inch main could be turned in without doing any harm, because there is no reservoir to be filled. From the time that the people usually stop using the water at night until morning, there could be a stream from the twelve or the thirty inch or thirty-six-inch pipe used for any such purpose.

Q. How many reservoirs are there?—A. There will be three. The distributing reservoir is divided into two portions, and these are so arranged that we can draw from either of the two without disturbing the other. It is estimated that there are from five to seven days' supply in each of them; and in case of bad weather there can be an opportunity for the water to settle. These will be completed very soon.

Q. Can you give the whole expenditure?—A. No, sir. It is something like three and a half millions on the aqueduct; how much on the pipes I do not know. The thirty-six-inch pipe will cost less than the \$400,000 appropriated, by a considerable sum, unless something should happen to it.

By Mr. CHIPMAN :

Q. I want to know definitely when the water supply will be increased in the city?—A. The indications are that it will be within a month from this time. The first mile will be connected within the next ten days, so that we will have some increase of pressure. The bad weather and the rock in Georgetown have delayed us there; but they are putting on a large force, and I think in a month there will be a connection there.

By Mr. CRANE :

Q. Was not the appropriation for the thirty-six-inch pipe \$450,000, instead of \$400,000?—A. It may be so.

Q. Do you disburse the money?—A. I do. I have paid for the pipe as delivered. I know

that the thirty-six inch has been delivered and is almost all paid for; and they are now delivering the twenty and thirty inch pipe, and the contract is made for laying it.

Q. In regard to flushing the sewers, do you think the conduit is capable of bringing in much more water than now?—A. I know it is; it is so, also, according to the estimates of General Meigs. In the ordinary state of water the aqueduct can bring in about 85,000,000 gallons a day.

Q. Has any report ever been made to you in regard to the strength of the conduit and its capacity to bring in a large amount of water?—A. It is not necessary. I have had the surface of water at 143 feet above tide-water in order to give the city as much water as I could, and I know the filling of the aqueduct will not do any harm. It will stand to bring in about 85,000,000 gallons a day.

Q. The water-tapper told me that it would not.—A. I have the authority of General Meigs; and I know it is a very fine piece of work.

By Mr. ELDRIDGE:

Q. What is a water-tapper?—A. The man who makes the connection of the water-mains with the pipes leading to the houses.

Q. What knowledge has he of the amount of water the pipe will carry?—A. I do not know what he knows about the aqueduct. It is regarded as fine an aqueduct as there is in the world. The aqueduct has never been tapped to my knowledge.

By Mr. CHANDLER:

Q. Could not the water-tapper who lets in a stream into Mr. Eldridge's house tell just how much was flowing through the conduit?—A. I do not believe he could work it out.

By Mr. ELDRIDGE:

Q. What is there about the springs up around Franklin square?—A. There are many springs there; the water supplies the Treasury and the Executive Mansion, and the War and Navy Departments with drinking water. And there have been pumps along the streets to obtain supplies from the springs. That would not go underneath, I think.

Q. Is it malarious water?—A. I don't think that good spring-water would do any harm.

By Mr. CRANE:

Q. Has the conduit been repaired two or three times within the last year?—A. Yes, sir; every one has to be repaired. The water will come through in some places; but there is no trouble in repairing the little leaks at any time.

Q. I notice that a bill has been introduced into Congress for laying a 36-inch main for manufacturing purposes; do you approve it?—A. I look upon it as chimerical.

WASHINGTON, April 11, 1872.

CROSBY S. NOYES recalled.

By Mr. CHANDLER:

Question. You are editor of the Star?—Answer. I am.

Q. How long have you been?—A. I have been connected with it seventeen or eighteen years, as sub-editor or as editor.

Q. Where in the city do you reside?—A. In South Washington, on South G street, between Eighth and Ninth. I have resided there about fourteen years.

Q. State whether or not you have passed over the canal daily?—A. Yes, sir; three or four times a day.

Q. Have you made the canal a subject of study and observation during all this period?—A. I have given it considerable attention. I was in the council some years and on the canal committee there. I have, also, considered it in relation to the necessities of South Washington.

Q. Have you written articles on the subject?—A. I have.

Q. Have you not endeavored to inform yourself fully before writing?—A. I have tried to do so.

Q. What is the character of the soil on the island as you have observed it?—A. We have a clay-surface soil running down to different depths, and a stratum of sand and gravel underneath.

Q. What is the depth of the clay at your own house?—A. About four feet below the bottom of my cellar you strike a stratum of sand and gravel; and, though the cellar will hold water, by digging down we strike this stratum, which carries off the water to the river.

Q. Have you noticed the ebbing and the flowing of the tide there?—A. I am a little above that point; but the wells in most of South Washington are affected by the river. Considerable water comes from the river, and the opinion is that the stratum of sand and gravel runs through the city from different depths, from ten to twenty-five feet, and that this water would find its way to the river if there were no canal, and independent of that.

By Mr. ELDRIDGE :

Q. Independent of the sewers or drains?—A. To a great extent. It might be desirable to have some under-drains. I think the water from the northern part of the city would find its way to the river independent of the canal.

Q. Do you think this stratum of gravel covers the whole area of the city, as well as of the valley of the Tiber?—A. I think it covers the city.

By Mr. CHANDLER :

Q. You are familiar with Dr. Hall's ideas?—A. Yes, sir; I have read his letters.

Q. And knowing his views, you are still of the opinion that whatever percolation there is will find its way to the river through the sand stratum?—A. Yes, sir.

By Mr. ELDRIDGE :

Q. Dr. Hall thought it did not reach to the Potomac?—A. We find it at different depths all through South Washington. Mr. William Wise, who is engaged in digging the James Creek, is satisfied that this stratum exists throughout the whole city.

By Mr. CHANDLER :

Q. State whether you have noticed the flow of water in the canal and the flow of the currents into it, and what has been the tendency at high tides?—A. The water enters the canal from the Potomac at both ends, and at about the same time, and when the tides meet it turns first toward the Potomac, and afterward it is brought back. The consequence is that the foul matter is not carried away. The two currents meet about east of the Four-and-a-half street bridge. It has been shown by dropping in a floating article, at Four-and-a-half street bridge, that it does not find its way further out toward the river than about Seventeenth street, and then it comes back again, and does not go into the river all. Therefore that keeps all the *débris* in the canal, and leaves it there at low water.

Q. State what you have observed in reference to freshets and heavy rains, and what your opinion is as to the necessity of the canal, in order to afford an outlet for the rain-water from the city?—A. The main flooding that has gone up Pennsylvania avenue has been from high water in the river, and from obstructions of the old causeway. I do not apprehend that there will be any difficulty if it were not for the high water from the river. The old spans of the Long Bridge were but 24 feet. The new ones are 125 feet, and much higher. With the old narrow spans of the bridge, there was a great amount of rubbish washed up against the piers, which threw the water back. I think this will be remedied by the wider spans.

Q. Then, if the canal should be filled up, and the water of the Potomac kept out, it is your opinion that the water from the sewerage could be carried off?—A. I think so.

Q. What is your opinion as to the expediency of filling up the canal, and your reasons for your opinion?—A. We have gone through a long process of tinkering, and the tide-gates and the causeway at Seventeenth street, and many reports have been made. One was made by the executive committee of the regents of the Smithsonian Institution in 1868, and a great many reasons were presented which led me to believe that the canal was a nuisance. Before that we had an idea of making the canal navigable; but General Delafield, Dr. Peter Parker, and Richard Wallach were appointed as a committee to examine into the matter, and they did it very thoroughly, and made an elaborate report, recommending the filling up of the canal.

Q. What other documentary evidence have you examined on this subject that would throw light on this question?—A. At the time the Senate District Committee had the matter under investigation, I think in 1870, Senator Hamlin addressed letters to several scientific gentlemen, and he got their views. He got Professor Henry's, among others, and General Delafield's.

Q. Have you notices of these?—A. I have.

[Extracts from these notices were offered, and are appended.]

Q. State as to the effect of the canal on the health of the city.—A. It is considered an unhealthy feature of the city. Along Murder Bay there has been a great deal of sickness—from there running up along Virginia avenue. I do not suppose it is confined within those limits entirely, or to the immediate borders of the canal, but that it reaches up into other parts of the city.

By Mr. CRANE :

Q. You said that you thought the water will flow from the low grounds on Pennsylvania avenue, and soak through the sand strata to the river, without making the avenue damp?—A. I think it will.

Q. How far down is the sand strata?—A. It is not uniform; it is from 10 to 25 feet at different points.

Q. Do you know how much lower Pennsylvania avenue is at Seventh street than at Maryland avenue?—A. I do not know the precise difference. I know that the water of the canal runs very slowly eastward.

Q. If that theory is correct why should there have been water here when the city was first laid out?—A. Well, I suppose a great portion of it did.

Q. You say you have observed, on standing at the Four-and-a-half street bridge, that an

article dropped in goes a certain distance toward the river and then floats back?—A. Yes, sir.

Q. Will not this be the trouble with the sewer that is to be laid along there? Will not any articles going into the sewer be affected in the same way, or rather worse?—A. I do not think so. I think the sewer can be kept cleaner.

Q. If the sewer is level and the canal is level, will not it affect one as well as the other?—A. I suppose the sewer could be flushed out.

Q. Could not the canal be flushed out?—A. That has been tried at Thompson's tide-gate-way, and in other ways.

Q. Would it not be practicable to bring in the Rock Creek and the Chesapeake and Ohio Canal to flush it out?—A. I do not think it would work for so long a distance with so many crooks and turns in the canal, and with the feeble amount of current in the canal.

Q. If the waters of the Chesapeake and Ohio Canal were allowed to run through it, would they not be likely to keep the canal clean?—A. All these experiments have been tried.

Q. Would you not at least recommend, before filling up, to have it done according to law?—A. Yes, sir.

Q. Do you consider that Congress has authorized it?—A. I think they authorized the commission.

Q. You stated that Mr. Wallach signed a report in favor of filling up the canal?—A. Yes, sir.

Q. Do you know that he is of the same opinion now?—A. I do not.

Q. Do you think there are too many officers and that they are paid too high salaries, in the District government?—A. I thought at one time that they were getting too many bureaus; but I understand they have abolished them, and with the amount of work now to be done, I think there are not too many officers; they are all fully employed.

Q. Do you believe they are all competent?—A. I never saw any government where all the officers were competent.

WASHINGTON, D. C., April 11, 1872.

ADOLPH CLUSS recalled.

By Mr. CHANDLER:

Question. Did you make a report on the subject of the canal at one time?—Answer. Yes, sir.

Q. Was it or not your opinion, as there expressed, that even if the canal were kept open for commercial purposes, there should be a system of sewers constructed to carry off the sewerage to deep water?—A. Most positively.

By Mr. ELDRIDGE:

Q. Does that report express your opinion still?—A. Yes, sir; to a great extent. I was called upon to consider the subject of improving the canal; the subject of filling it up was not before me.

Q. What is your opinion about filling it up now?—A. I am positive that no engineer could say that it would injure the health of the city to fill it up.

Q. Is it worth anything for commercial purposes?—A. I have thought so; but that is a matter for discussion. My idea was to make a connection with the Chesapeake and Ohio Canal, so as to have the coal discharged at deep water.

Q. What is your business?—A. Architect and engineer.

Q. How long have you resided in Washington?—A. Since 1849.

By Mr. CRANE:

Q. You say that no practical engineer would express an opinion that filling up the canal would be injurious to health?—A. Yes, sir.

Q. What does an engineer know about the effect of the canal on health?—A. The drainage of tide-sewers is a part of the knowledge required by engineers.

Q. Are you not still of the opinion that the canal could be thoroughly cleaned out and made navigable for commercial purposes?—A. Yes, sir; but that is a matter to be discussed. It is not a matter of principle, but a matter of expediency.

By Mr. CHIPMAN:

Q. Your ideas in regard to opening the canal had reference to continuing it through Maryland, and connecting it with the Chesapeake Canal?—A. Certainly; and if I were going to fill it up I would go further than the board of public works. I would shut up James Creek.

Q. And so throw the whole commerce along the river front?—A. Yes, sir.

Q. And, if that is done, could not commerce be carried on through the Chesapeake Canal the same way as through this canal into the city here?—A. To some extent.

WASHINGTON, D. C., April 11, 1872.

WILLIAM SMITH sworn and examined.

By Mr. CHANDLER :

Question. Please state your residence and business?—Answer. I reside in the Botanic Garden. I am superintendent of that garden.

Q. How long have you resided there?—A. Nineteen years.

Q. Is your home now in the Botanic Garden grounds?—A. Yes, sir.

Q. State whether you are familiar with the character of the soil in the neighborhood of the Botanic Garden, along the canal and on the island?—A. Yes, sir; I am.

Q. Have you not made the canal and the Tiber Creek a study?—A. I have.

Q. State the character of the soil.—A. It is very poor; the substratum is generally gravel and the tide ebbs and flows in that gravel up nearly to First street in Botanic Garden.

Q. At what depth do you find this gravel?—A. About eight feet from the present grade.

Q. State whether in your judgment the arching of the Tiber Creek is a proper improvement?—A. I think it is one of the best improvements ever made in Washington.

Q. State whether in your opinion it will be adequate for carrying off the water?—A. I think it will, especially if relieved by carrying off part of the Tiber into the Eastern Branch. I have seen it within 18 inches of the top of the arch, but that was chiefly caused by a high tide in the river, or by the Potomac flowing through the canal meeting the current of the Tiber when there was a high flood.

By Mr. ELDRIDGE :

Q. That would result if the stream was ever so wide?—A. Yes, sir.

By Mr. CHANDLER :

Q. You attribute the high water in the canal to the floods in the Potomac, and not to the water from the Tiber?—A. Chiefly, but not always; when there is a flood in the Tiber it is generally down before the high water occurs in the Potomac; it takes longer for the Potomac to rise and the water to reach us.

Q. In what direction, up to the time of the filling of the canal, has been the outlet of the water from the Tiber?—A. The original current went up to the Potomac; now it is to go down toward the Eastern Branch.

Q. Will that change be a benefit?—A. It will tend to effect a more ready discharge of the water, because the tide is not half as strong from that direction.

Q. State any additional reasons for your opinion that the Tiber sewer will be sufficient for the discharge of these waters?—A. Nothing further occurs to me.

Q. State whether you have observed the condition of the canal with reference to its effect on the health of the city?—A. I have, and I think, as a matter of opinion that it would have depopulated the city before this time if it had not been for the influence of the gas-tar that was run into it.

Q. What has been its condition since you have known it?—A. It has been a filthy, pestiferous ditch nearly the whole time. Sometimes it would be dug out and remain so for a short time; but the last time it was dug out it was, I think, filled in about six weeks. The mud taken out was thrown on its banks, and a storm washed it back again very soon.

Q. What use have you known of it for commercial purposes for the last nineteen years?—A. There have been, within the last nineteen years, fifteen wood-boats between Four-and-a-half street and Maryland avenue that have discharged wood; that wood came from down the river to supply the Capitol buildings.

Q. Is that all the commerce you have known?—A. Yes; that is all of it for nineteen years.

By Mr. HARMER :

Q. Have you kept a register?—A. Yes, sir; I have watched that carefully.

Q. State your opinion as to the expediency of filling up the canal.—A. I think it is one of the most important improvements for the health of the city. I do not believe any injurious consequences would result from it, but, on the contrary, a very great benefit.

Q. Have you written Dr. Hall letters on this subject?—A. I have.

Q. And have you received a reply?—A. I have. I first asked a question, and Dr. Hall replied to that; I made some criticisms on his testimony here.

Q. Were your communications made public?—A. Yes, sir.

Q. Is that a copy of one of your communications?—A. Yes, sir.

The following is the communication referred to :

"To Dr. Hall :

"DEAR SIR: I have read your lengthy reply to my brief questions about the canal. Many of the suggestions in your able essay are very valuable, and will, I doubt not, be at once adopted by the keen-eyed, quick-witted men who, fortunately for us, control the affairs of the national capital. I allude to a necessary provision in the Missouri avenue sewer for underdraining the soil, &c.

"Your happy and forcible illustrations of the dangers of the miasmatic poison are, in my opinion, the best arguments I have yet seen for filling up the dirty, stinking, pestiferous ditch ycleped the canal.

"You object *in toto* to my statement of the case, to the five acres of human excrement; in fact, won't leave me a single yard to be disgusted with; but your own statement suits equally well. The daily half-gallon you mention from one hundred thousand, or say sixty-five thousand persons, not to overstate the case, that finds its way to the canal, is met by the tide and held there accumulatively, in whole or in part, for a week at a time. The sides of the canal are smeared with the pestilential stuff; the sand-banks, amounting to ten acres, impregnated with it, and but for the presence of a substance which I need only mention to convince you of its value, viz, the gas-tar, which for many years the gas company surreptitiously run into the canal, it was the opinion of Dr. Antisel, the able chemist and close scientific observer, but for the presence of the above article the canal would long ere now have depopulated the city.

"In this opinion more than one of your medical friends concur, and I doubt not you will when the fact is brought to your notice.

"But this supply is nearly exhausted, and in my opinion Providence (I am old foggy enough to believe in Providence) created the board of public works and placed men on it with the nerve and moral courage to throttle this disgrace to our national capital.

"Will you or any one tell us what actual commercial benefit the canal has ever been to the city? That great and good man, Andrew Jackson, said—so I am informed by his devoted friend, F. P. Blair—'he could not see what the citizens of Washington wanted with a dirty, stinking, filthy ditch in their midst, when God had made for them such a magnificent water front.' These words were uttered thirty years ago. He must have been inspired when he uttered such prophetic words. They did not want it. To make it was a well-meant waste of the public money. All attempts to improve it have been notorious failures. The river is the place for our commerce.

"Abandon, my dear doctor, this dream of your early youth about the commercial advantages of the canal, which you hold in common with one or two other kind friends; unite all energies to improve our magnificent river: reclaim the three hundred or more acres between Espey's wharf and Arsenal Point; sustain the men at the helm, whose whole soul seems filled with the idea of improving, may I add, our beloved capital; aid them by your advice; forgive their mistakes, if they make any. Let us, one and all, unite, and show by our own earnest efforts that it is the duty of the people's representatives to aid liberally in decorating the home of the nation. In my opinion the canal has been filled with porous earth peculiarly adapted to the purpose. The filth we have both labored to present to the mind's eye of our readers is buried about the depth usual for interments, with the advantage of a little gas-tar.

"Your quotation from Appleton's Encyclopedia is singularly inapplicable, as the subsoil is extremely porous over this whole District. The brown-stone front dwellings in New York complained of by Dr. Morris are built in stone pockets, a very different thing from our gravelly foundations. You know houses now stand on the original bed of the canal on Missouri avenue. They are considered as healthy as any in the city, notwithstanding their location in the first canal and close proximity to the second. Thanks to the absorbent, porous character of our soil, and the sins of the gas company!

"Time and space will not permit me to continue this discussion; but that our city may prosper and improve, and you may live long to be an ornament of it, is the sincere wish of your friend,

"TIBER."

By Mr. ELDRIDGE:

Q. Where was that published?—A. In the Sunday Chronicle.

Q. Is that a reply to a letter published since this committee has been in session?—A. Yes, sir.

By Mr. CHIPMAN:

Q. You speak of the back-water being now prevented from filling up the canal?—A. Yes, sir; my impression is that the Potomac will not be allowed to come in now and flood the cellars of St. James Hotel and other buildings along there, as it has done heretofore, because it will be confined to its own bed.

Q. And will that prevent the back-water in the Tiber?—A. Yes, sir; except from the tide which comes up from the eastward, which was always much the weakest.

Q. Did you ever have any conversation with the officers of the public buildings and grounds in relation to the filling up of the canal?—A. Yes, sir; when this canal subject was first brought up, it was by Mr. Prosser, of Tennessee, and I believe chiefly at my suggestion. He offered a resolution in the House for the appointment of a commission. That commission consisted of General Michler, Mr. Clark, the architect, Mayor Emery, and others. Being anxious to have the canal filled up, I went to see General Michler and asked him to use his influence to have it done. He stated that it was the proper thing to do, but that the people of Washington had spent too much money in digging it out ever to consent to have it filled up.

Q. They had become attached to the canal?—A. Yes, sir. I took the first opportunity I had to call the attention of General Babcock, his successor, to filling it up as the only remedy to abate the nuisance of the canal.

Q. I was down through your gardens yesterday, and I observed the concrete footwalks; you may state what is their condition.—A. They are in a very unsatisfactory condition. There have been two efforts made by the contractor to lay them, and in each case he has failed.

Q. What patent of concrete is it?—A. I do not know. I believe the man's name who laid it is Ballou.

Q. Is it the same as the Thornton Smith patent?—A. I believe it is. I am told it is. It has broken up considerably.

Q. Is it disintegrating by the effect of atmosphere or of the sun?—A. The trouble is that some of it was too soft to stand the sun and some of it too hard to stand the frost. It is a failure so far as that pavement goes.

By Mr. CRANE:

Q. Have you any knowledge of engineering?—A. No, sir.

Q. You say the canal has been a pestiferous ditch?—A. Yes, sir.

Q. Then the consequence would naturally be a pestilence?—A. Yes, sir; there would have been but for the gas-tar that has been run into it.

Q. Then you account for the healthy condition of the region of the canal by the amount of gas-tar that has been poured into it?—A. It has never been considered extraordinarily healthy; but I account for its not being worse from the gas-tar.

Q. Is the canal to blame for that? Is it not owing to the shiftless conduct of the people in not cleaning it out?—A. By no means. The people have come to the conclusion that it was of no benefit; as no commerce ever came in they could not flush it to clean it out.

Q. You say that only fifteen boats have come in there in nineteen years. How do you know?—A. I have been there. I have been there nearly every day during that time, except two or three months.

Q. Have you not been absent from the city?—A. Not much.

Q. You are sure that only fifteen boats have come up the canal in that time?—A. Yes, sir; within the space that I have indicated.

Q. How do you know there have been none during your absence?—A. It would have been such an extraordinary thing that there would have been a record kept of it by the individuals living in the neighborhood; it would have been a subject of great notoriety.

Q. In this communication did you write over your own signature?—A. No, sir; I did not.

Q. Why not?—A. I did not feel disposed to do so. Doctor Hall knew who I was, and I did not care about telling you or any one else that I did write it.

Q. How long have these pavements been laid in the Botanic Garden?—A. About eighteen months; certainly not two years.

Q. You are sure of that?—A. Yes, sir.

Q. You are sure it is Thornton Smith's patent?—A. No, sir; I do not know whose patent it is; I only know that Mr. Ballou, who was a partner of Thornton Smith, laid the pavement.

Q. Have you examined the concrete pavement in front of the White House?—A. Not critically.

Q. Is it your opinion that all concrete pavements are a failure?—A. It is a subject to which I have not given much consideration; I am not posted in regard to it.

Q. You say that the filling up of the canal would make the city more healthy?—A. Yes, sir.

Q. In your judgment, if the canal were filled up, will not that section between it and Pennsylvania avenue become so damp and wet as to require the raising of Pennsylvania avenue?—A. No, sir; not if properly drained.

Q. How will you do that?—A. You can make a blind drain of earthen-ware and stone, so that the water will run through from the Smithsonian grounds to Third street, and both sides of the canal could be as effectually drained in that way as the canal has ever drained them.

Q. Would you not extend the sewer out toward the Eastern Branch first?—A. I would give that subject serious consideration.

Q. How do you know the size of the arch required there until you know how much water you are going to divert toward the Eastern Branch?—A. It is, perhaps, impossible to know exactly. It is impossible to know what the effect of the pavements will be, of draining some areas upon the surface. There will be a greater amount of water that does not pass into the ground in consequence of the pavements. The water which falls upon the pavements will run off rapidly into the sewers; whereas that which falls in gardens or soft ground will take from half an hour to three, four, or five hours to reach the Tiber.

Q. What is the need of building a 30-foot sewer if so much water is to be turned off from the Tiber arch that you will only need one of 7 feet?—A. I do not think a 7-foot sewer will answer the purpose. I think the Tiber drains about two-thirds of the city now. I presume, though, that if the water is turned toward the Eastern Branch, that will be very much relieved; and I think that they will reduce the size of the sewers as they go up the Tiber.

Q. Will not the sewer require to be much larger at the Botanic Gardens than it is out toward the boundary?—A. Yes, sir.

WASHINGTON April 12, 1872.

R. M. HALL duly sworn and examined.

By Mr. CHANDLER :

Question. What has been your business in the city of Washington?—Answer. I have been in the real-estate business, buying and selling property on commission, since 1863, except for about twenty months, when I was register of deeds for the district.

Q. Have you had occasion to know the real estate transactions of the city to a considerable extent since 1863, both when in the business of a real-estate agent and when in the office of the register of deeds?—A. Yes, sir.

Q. What has been the condition of the real-estate market for the last three or four years; particularly what has been the effect produced on real estate since the new government was organized?—A. There has been a gradual tendency for higher prices for property for the last six years, perhaps a year longer than that. Real estate, in most portions of the city, was particularly low prior to the administration of Mr. Bowen, particularly in the eastern part of the city, and northern part, north of N street. The streets were not opened; many of them in those sections were under fence, being cultivated as garden-plats in many instances. That state of things existed on the Island; there were no sidewalks; the streets were not graded or paved in those sections, and the property ranged from 1 cent to 10 cents per foot prior to Mr. Bowen's administration, when he began to open up the streets from the center to the circumference of the city. The hope that I had in the new government was of securing a good effect upon real estate. The common inquiry in buying property, since 1863, has been, "Is the pavement laid; is there a sewer dug; is the street graded; are there gas-mains there; are there water-mains there?" These are things that ought to be assumed as already existing in such a city as this; and they are found in every other city in the United States. When these things have been provided, I have found uniformly that property was increased in value to a far greater extent than the cost of the improvements; that was the case on Capitol Hill. Ground there, which was bought for a cent a foot, cannot be bought now for less than 8 cents to 10 cents. I do not know any that can be bought for 1 cent a foot now, and it is but a few years since a plenty of it could be found for that. Since the streets have been opened the property has advanced.

Q. State the condition of things during the past year.—A. About the time the \$4,000,000 loan bill was talked of there was a universal feeling among those who thought about the matter, that if these things could be effected, real estate would advance; and it was advancing until this investigation, which made buyers a little uneasy, and created a depression in the minds of the people.

Q. Was it a matter of fact that property was advancing last summer?—A. It was. You cannot put your finger on any period of time and say when property took a special movement upward, unless it was immediately after the close of the war.

Q. What has been the effect of the improvement by the board of public works on the property of the District?—A. The tendency has been that the holders of property hold it at a higher figure.

Q. Have sales been made at higher figures?—A. Yes, sir; I know of one on that famous F street improvement. I had that property of Colonel Alexander's a year ago, opposite Mr. Shepherd's buildings, and offered it for sale for some time at 60 cents. I had written authority from him to sell at that price. I suppose it was three months in my possession at that price. He afterward took it into his own possession, and I understand he has since bargained for it for \$1 a foot. I found no purchaser. I do not know when he sold it. It was since the street was cut down. I tried to sell it, but there was no application for it. I also had property on Connecticut avenue, which I offered for some time for 15 cents. It has been sold recently for 25 cents.

By Mr. HARMER :

Q. Taking the entire mass of property, has it appreciated or depreciated?—A. I think the appreciation has been perceptible; has been affected favorably in every square where the sewers are down.

By Mr. ELDRIDGE :

Q. When was that property of Colonel Alexander, on F street, sold?—A. It was after the improvements commenced. He declined to sell it at the price for which he had previously offered it. Up to that time he was ready to sell it for 60 cents a foot. I think it was sold two or three months ago; since these improvements commenced certainly.

By Mr. CRANE :

Q. Do you state that, in your opinion, the cutting down of F street has caused the property to advance in value?—A. Circumstances in connection with it have advanced the property in value.

Q. Supposing no other improvements had been made, only the cutting down of the street, would you give it as your opinion that that would have increased the value?—A. No, sir; that would not have made an increase, perhaps, but other improvements were brought in

by way of paving, &c., besides the cutting down, and the value of the property has been thereby increased. The cutting down of other streets has had something to do with it.

Q. Do you say that up to the time of Mayor Bowen's administration there had been no streets graded to the boundary?—A. There were a few. H street was graded to the boundary, I think; but in the northern section I do not think any were graded except Seventh and Fourteenth, and they were in the most villainous condition possible. I never saw a corduroy road in the West worse than these streets were during Bowen's administration. Property was cheap all along the line of the northern part of the city north of N street.

Q. Do you know the number of miles of graded streets before that time?—A. I do not know; it was very considerable.

Q. Was it not as much, or more, than any community could stand and pay for?—A. I never thought so.

Q. Is it not a fact that the streets are unpaved in the outskirts of all cities?—A. I think not. I have seen them opening streets in New York, Baltimore, and other cities where there was not a house, and there was not one for a long time after the streets were opened; then there were blocks of houses erected, and that is the invariable result of opening streets. When streets are made accessible, the next question is as to the comforts and conveniences provided, such as gas, water, &c. People will buy wherever the property is accessible, and wherever the common comforts of a city are furnished.

Q. What is the usual rate of commission for selling real estate?—A. From 3 to 5 per cent.

Q. Did you negotiate the sale of a lot for Mr. Crandall?—A. I was the agent of Mr. Crandall for the sale of that square, and had been for a year before.

Q. What per cent. did you get for that?—A. I had a reasonable charge. I had a little more labor connected with it, and charged a little more than usual.

Q. State what the District paid for that.—A. I think it was 40 cents a foot.

Q. Do you know the amount?—A. It came to something over \$31,000.

By Mr. HARMER:

Q. When was that?—A. In October, I think.

Q. Would that same property bring more or less to-day?—A. I would not sell it to-day for 60 cents, if I owned it. It was worth that when I sold it.

By Mr. CRANE:

Q. Was not that square in the market a long time?—A. I had it in market at \$37,500, perhaps, about two years; since that time property has very much appreciated on Capitol Hill.

Q. Was it not offered for less than that within two years?—A. Not through me.

Q. What proportion of the square did you sell to the District government?—A. I think about 78,000 square feet, or two-thirds of the square.

Q. Did not Mr. Crandall pay you an extra commission on account of the great price you got?—A. Not to me.

Q. Did you not get an extra price of the District government?—A. I have stated that the District government have never paid me a dollar for that or for anything else. I have not had anything to do, directly or indirectly, for the board of public works or the legislature, and have never got anything from either. The District government did not pay more than I could have got from individuals; but the money was paid more promptly than it would have been by a private party.

Q. Did not the District government give you a large amount of business to do?—A. Not that I am aware of. I have asked for some little favoritism; but I have not had a cent's worth of patronage from them in any form or shape beyond that which I have personally sought.

By Mr. CHIPMAN:

Q. Did you state that this property was worth to-day 60 cents?—A. I think it is worth that to-day.

By Mr. CRANE:

Q. Do you know whether Mr. Crandall received the cash from the corporation for that property?—A. Yes, sir; he did.

By Mr. ELDRIDGE:

Q. Has your business given you some knowledge in regard to assessments of real estate?—A. It has in the past. I do not know much about the present assessment. I think in the suburbs they may have assessed property a little too high. There was one square assessed at 15 cents; the owner held it at 18 cents; he bought it for 5 cents a foot three years ago. I think that is assessed a little higher than the other property near it.

Q. Is property assessed at its full value?—A. Take it in the city and county altogether, I do not believe it is. It is not assessed for what the people ask for it.

Q. Do you know any pieces of property being assessed at prices above what parties

would sell them at?—A. I have only one piece of property that can be sold for less than it is assessed.

Q. How does that happen?—A. It belongs to heirs, and some of them do not live in Washington. I suppose they want the money, thinking that the interest on the money is worth more than the increased value of the property.

Q. Do you consider it worth more than it is assessed for?—A. I would not sell it for the assessed value unless I wanted the cash very much.

Q. Then you do not know of any property that is worth less than the assessed value?—A. Yes, sir; there is one piece that is assessed at 15 cents, but I am not authorized to sell it for less than 18 cents; I think it is worth about 13 or 14 cents.

By Mr. CRANE:

Q. Did you sell that piece of property on I street, fronting on the square?—A. I had that ground for sale at one time, but it was sold by the owner at \$1.37, and at the time it was worth \$1.75. I do not suppose you could get it now for \$2.

Q. I was informed that it had been negotiated for a member of the District government.—A. I have never negotiated any for any member of the District government.

Q. Have you not bought property for Mr. Shepherd?—A. I had some property—three or four pieces—and after offering them as I did to others, and advertising them, knowing that Mr. Shepherd was a bold operator, and knew when to strike, I went to him about that property on the Tiber, above Pennsylvania avenue, and I told him I had a cheap piece of ground, and asked him to come and look at it. In the course of two or three weeks, after I had offered it to others, I got Mr. Shepherd to look at it, and he said he would not give what I asked for it, but would give \$10,500 for the corner. Some months after I had the rear lots on my hands unsold. Knowing that he had bought the corner, I went to him and said I would sell that corner lot on B street and Second street. I asked \$1.25, and he said he would give 75 cents. Then I went to the owner and told him of the offer Shepherd had made, and the owner said he would take \$1. A few days afterward I went back to Shepherd, and I got an offer from him for 85 cents in cash, and the owner accepted it. Afterward, I found out the owner of the rear lot, and got the price at 50 cents a foot, and Mr. Shepherd bought that. Shepherd never came to me about the property, and I had a great deal of difficulty to get him to buy it. Then, knowing that improvements were going to be made up in the other end of the city, I took pains to find out property that was cheap there. I met one of the members of the Skating-Rink Company, and asked the value of that property. He said they would sell it for \$4,000. I went to Shepherd with the proposition. I had never spoken to him before about it. I asked him what he would give. He said it was worth about 3 cents a foot. I offered it to him at \$4,000. He told me at once he did not want it. Finally he said I might see him again about it, and then, when I saw him, he said he would take it at \$4,000. I went to the owners and closed the transaction. That was after all the improvements had been inaugurated in that section of the city.

By Mr. ELDRIDGE:

Q. What did that amount to per foot?—A. About 2½ cents.

By Mr. CRANE:

Q. To whom was that property deeded?—A. It was deeded to me by accident, the gentleman supposing I was operating for myself; and so he had the deed made out to me. As there were some twenty-nine other gentlemen who would have to be seen and consulted if any change was made, or at least a majority of that number, it was thought best to let it remain in my name instead of getting all these to sign over again.

Q. Did not you pay for it when you bought it?—A. Not a dollar passed through my hands beyond the commission.

By Mr. CHANDLER:

Q. Were any threats made to members of the Skating-Rink Company that expensive improvements would be made there which induced them to sell?—A. Not at all. They came to me and made the proposition to sell. There were some twenty or thirty of them, and I was told that they were all tired of it, and wanted to sell it. Like many foolish people, they were very much frightened at the taxes.

Q. Were any such intimations made by you?—A. No, sir; it was their own voluntary offer to sell it at \$4,000.

WASHINGTON, April 12, 1872.

S. P. BROWN duly sworn and examined.

By Mr. CHANDLER:

Question. Are you a member of the board of public works?—Answer. I am.

Q. Mr. Thornton Smith testified to a conversation which he had with you in reference to pavement, printed on page 385 of the records of this case. You may state whether or

not Mr. Smith has given that conversation correctly; and, if not, state what took place?—A. I will state that I have made a memorandum of the conversation, as nearly as I could, in writing.

Q. Is that a correct statement of Mr. Smith?—A. I stated to him that the board of public works was opposed to putting down his pavement, on account of its proving a failure wherever it had been laid, and, in most cases, was entirely worthless. He asked my opinion in relation to the pavement in the agricultural grounds. I stated to him from what I had seen of it I thought it had stood very well, but that it had not been subjected to much travel. I also told him that some property-holders wanted an alley paved at their own expense and that he could probably get the job if he should call upon them. He appeared very angry, and said it was an imposition. I did not ask him to make a bid for any pavement. I told him distinctly that in case he wished to get work, he must make his proposition direct to the board instead of importuning me at my office. I have no recollection of riding in a carriage with him except to try a horse he desired to sell me.

Q. Did you buy the horse?—A. I did, and got badly cheated.

Q. Have you since examined the pavement referred to?—A. I have, and find it is in a state of disintegration. No pavement can stand put down with crude coal-tar. I was at the Agricultural Department in the spring before Colonel Capron left, and he told me that Smith's pavement had proved a failure, and that he had employed another party to do his work; and the reason he had employed the other party was that he had found the pavement a failure.

Q. State whether you, as a member of the board of public works, have been a member of the commission that has, within the last fortnight, been considering the subject of concrete pavements and made a report?—A. I am a member of that commission which was called together at the instance of Mr. Stebbins, of the department of parks in New York. It is some two months since the commission was called together, but I have the report here, and, as the subject of concrete pavement has come up, I should like to present it. (See appendix.) With the exception of myself the board was composed of scientific men.

Q. Was there a concurrence in favor of continuing the concrete pavement?—A. Yes, sir.

Q. You may state, if you please, in relation to the condition of your unsettled accounts with the Navy Department.—A. I would state there is a charge in the account unadjusted, claimed not to be specially authorized, for commissions on disbursements for extra pay and prize money, amounting to \$3,367.73, the justice of which was allowed to several of my predecessors, including J. H. Lathrop, for precisely similar disbursements, and was authorized by Congress. As the matter has been alluded to by our opponents, I desire to put in evidence the report of the law-officer to whom this matter was referred several years since, which fully explains the whole case.

Q. Was this whole controversy between you and the Government in reference to the commission?—A. Yes, sir.

Q. Then you have settled and paid to the Government all that you owe, except the small amount which you claim as your commission?—A. Yes, sir.

(The following extract was offered and received as testimony:) "Report of George P. Fisher, United States attorney for the District of Columbia, dated February 26, 1872, to E. C. Banfield, Solicitor of the Treasury." The concluding portion of the report is as follows:

"Considering all the foregoing facts, which show clearly that S. P. Brown is justly entitled to a commission from the Government, I have no hesitation in recommending the acceptance of the terms offered by them as a matter of pecuniary advantage to the Government, an act of justice to S. P. Brown, who appears throughout his whole official career to have been an honest, capable, and faithful officer.

"GEORGE P. FISHER,

"United States Attorney for the District of Columbia."

Q. A suit was instituted against you, and this was the report?—A. Yes, sir; the whole matter was submitted to Judge Fisher.

By Mr. CRANE:

Q. In relation to this charge of defalcation, what reason can you give why it has not been settled?—A. I have been trying for five or six years to get a settlement; the Auditor has not shown any particular anxiety about it.

Q. Is the sum named the only amount in question?—A. It is.

Q. Is there not in the Auditor's office a charge of \$48,000 against you?—A. No; I do not think there is any such charge.

Q. Did you see the evidence of one of the officers?—A. I did.

Q. Have you been paid any salary since you were a member of the board of public works?—A. I have not; I have not asked for it.

By Mr. CHIPMAN:

Q. Has there been any appropriation to pay the board?—A. Yes, sir; for the first four months.

By Mr. CRANE:

Q. Do you claim that you are entitled to that commission under any law of Congress?—

A. Yes; I claim I am entitled to it, and there is no dispute about the justice of the amount; the only question was on the quarter of one per cent. for disbursements.

Q. When did you make that memorandum in regard to the conversation with Thornton Smith?—A. This morning and last evening. I tried to refresh my memory, and I asked my book-keeper about it; he told me it had been stated in testimony by Mr. Smith that I asked him to make a bid for certain work, which I did not do.

By Mr. ELDRIDGE:

Q. Are you interested in any contract for paving in the city of Washington?—A. I am not, directly or indirectly, to the amount of a penny.

Q. Are you an officer of any paving company?—A. I am not.

Q. Are you connected with any paving company that is furnishing stone for paving?—A. I have not a dollar's interest in any such company, directly or indirectly.

Q. Have you had since you have been on the board of public works?—A. I have not.

Q. Do you know any member of the board of public works who has?—A. I do not; I do not believe that any member has.

By Mr. CHANDLER:

Q. Have you any interest in any contract with the District government?—A. I have not.

Q. Has any other member?—A. I do not think any one has.

By Mr. CRANE:

Q. Did not Mr. Shepherd have the contract for plumbing the Morrison building?—A. I do not know; I have heard it stated that his firm did that work.

WASHINGTON, D. C., April 12, 1872.

ADOLF CLUSS recalled.

By Mr. CHANDLER:

Question. Mr. Zimmerman states that ninety-five yards of carpeting, at Morrison's building, were missing. Was the carpeting there when you and Mr. Rankin examined the bills?—

Answer. It was there, as far as I remember; our measurement, I think, was correct.

Q. Have you a copy of your report?—A. I have not with me.

Q. Will you procure a copy and furnish me?—A. Yes, sir.

WASHINGTON, D. C., April 12, 1872.

D. L. EATON recalled.

Question. You were a member of the legislative council of the District?—Answer. I was.

Q. That is the house appointed by the President?—A. Yes, sir.

Q. There has been something said during this investigation in reference to the members of the board of public works exercising undue influence over the legislation of the District; will you please state your observation upon that point, as to the action which the board of public works took, if any, in reference to the legislation at any time?—A. I can only speak for myself. They never took any action in regard to me. I do not believe that any member of the board of public works attempted to exercise any undue influence.

Q. State whether or not you know of any attempts to control the judgment of any member of either house?—A. There never was any effort or movement of that kind directed toward me, and I do not know that there was toward anybody else.

Q. Did the members of the board of public works consult with you fully?—A. They did; I was not in favor of the first bill that they introduced, and expressed my opinions in that way. There was then an amended bill introduced and laid upon the desks of members; in connection with it there was a sketch of what was proposed to be done in the way of improvements, and some of the measures that were recommended. I was not at first in favor of that, and so expressed myself, suggesting points that would please me better, and in that way I did consult with members of the board.

Q. Did they urge you at all or make any attempt to enforce their views upon you?—A. Not at all; it was such a consultation as gentlemen would have with one another as to the best interests of the public.

Q. State whether you observed any other action of the board of public works with reference to either house.—A. Never at all; and I never heard of it.

Q. Do you live on the Seventh-street road?—A. No, sir; I live on the street parallel, and go out on the road some distance to reach my house. I reside on Fourth street, beyond the city boundary. In order to reach my place I travel on Seventh street about three squares beyond the city boundary, and then turn to the right.

Q. State the character of the road, and your opinion as to the necessity for putting it in the condition which the board of public works proposed to do.—A. I could not speak of the road after you rise the hill known as University Hill, but up to the foot of that hill I do know about it. It has always been until this winter practically impassable after December, and between December and April.

Q. From what cause?—A. The need of repairs, and the need of a bottom; the condition was that of a kind of mud-porridge.

Q. State your opinion as to the character of the repairs which the board has made, whether they were necessary or not, and whether they have gone further than they need to in making repairs.—A. I think any civilized community would desire additional advantages on that road, and, as far as I have observed, they are not yet sufficient. It is in the way of being made a good road, but it is not yet in a good condition. It is being brought into good condition.

By Mr. CRANE:

Q. Do you think it is prudent to spend so much money as they expended on Seventh-street road, or any other road leading out of Washington?—A. I do not know how much money has been expended upon it.

Q. Say \$150,000?—A. I think it is right to spend enough money on it to make it a good thoroughfare.

Q. No matter what it costs?—A. Yes, sir; but I would say the money should be properly expended.

Q. You stated that no member of the board of public works had ever approached you in regard to the legislation?—A. Yes, sir.

Q. Were not members of the board of public works almost constantly in attendance on the legislature during the passage of the four-million loan bill?—A. Some of them were there, I think, nearly all the time.

Q. What do you attribute their presence there to if it was not to influence legislation?—A. I have no doubt they were there from a desire to see this legislation effected.

Q. Do you recollect the governor coming in one afternoon, and going to every member and having a private consultation with them?—A. I know he never did; because he never came to me. He may have gone to all the rest.

Q. Did not he come and take a seat by you?—A. He has been there several times, and may have mentioned the subject to me during the time of the session; but as for attempting anything of that sort, I think the governor knows me too well to think that he could influence me in that way, if he had been disposed to, and I do not think he had any such disposition.

Q. Do you know of any corruption on the part of any member of the legislature, in regard to the location of the market-house site; have you not intimated that you did?—A. I do not know of any; and I have never said that I do.

Q. You never intimated any such thing?—A. No, sir; my intimations were not asked for.

By Mr. ELDRIDGE:

Q. Do you know of any fact that would tend to show any such thing?—A. I know of nothing but that which I have read in the papers of testimony given here. That is all I know about it.

By Mr. CRANE:

Q. Have you not repeatedly spoken of it a long time ago, before this investigation commenced?—A. I am to testify what I know; I am perfectly willing to testify what I know about it.

By Mr. ELDRIDGE:

Q. Which of the political parties do you belong to?—A. The republican.

Q. Did you finally support the loan bill?—A. I did; it was modified at my suggestion and on my motion.

Q. What was it that changed your opinion in regard to it?—A. I thought the bill originally brought in had not sufficient restrictions in it upon the expenditure of the money.

Q. Were these objections removed finally?—A. They were, measurably. I have frequently said, in the legislature, that as to the gentlemen of the board I would not fear to trust any amount of money in their hands; but, as we did not know what class of men might be upon the board in the future to take their places, I thought that restrictions should be made just as stringent for persons of their character as might be required in any event.

Q. What were some of the restrictions that you were in favor of?—A. A report to Congress as to the manner of the expenditure of the money, and a report to the legislature; and that contracts should all be in writing, and that bids should be made for all the work.

Q. Were these all introduced into the last bill?—A. Some of them were, and some were not. I thought that some of the phrases were ambiguous; when these changes were made I voted for the bill.

Q. Are you a dealer in real estate?—A. I am not. The institution with which I am connected loans money on real estate.

Q. What is that?—A. Freedman's Savings Bank.

Q. What is your opinion of the effect of the improvements made upon the value of real estate here?—A. I think it has been very favorable. In some localities it has been unfavorable for the present, on account of the condition of the work in these localities; but, in general, I should say it has advanced real estate from 15 to 20 per cent.

Q. The state of things which you refer to is temporary, is it not, depending simply on the finishing up of the work?—A. It is temporary, unless the work should stop. In regard to some of my own property, the streets near it have been nearly impassable the entire winter.

Q. Have you had occasion to notice the assessments in the city?—A. Only on my own property.

Q. How do they compare with the actual cash value of that property?—A. One piece of my property is assessed at a very fair and just rate; another piece, which is in the county, has been assessed at a greater rate than last year. I took occasion to complain to the proper authorities that I thought the assessment was excessive, and the matter is before them now.

Q. Is the assessment higher than the actual cash value?—A. No, sir; it is below it; but I take the ground that as I had large improvements on the property that they should not assess the improvements.

Q. Then your objection was that the assessment was relatively too high compared with other assessments?—A. Exactly.

Q. Then your opinion is that the assessments generally are not above the cash value?—A. I speak of my own, and I think that they are not up to the cash value.

Q. How much less?—A. My house cost just \$10,000, and the house and ground are now assessed at between \$9,000 and \$10,000.

Q. What did the ground cost?—A. I bought it at a very low rate. It is worth more now.

Q. What is the property worth now?—A. Eleven thousand dollars. It is assessed at something over \$9,000.

Q. Is that piece of property of yours more highly assessed than other property?—A. It is higher in proportion than the property in the country generally.

Q. Can you give any other example where you recollect the sum which is assessed and the value of the property?—A. Yes, sir. The Freedman's Bank is assessed at \$100,000. It cost \$175,000.

Q. How does that correspond with the assessment on property in that locality?—A. I think it is about the same ratio, though, perhaps, somewhat higher than others.

Q. What do you value that property at now, the cash value?—A. I think it is worth \$200,000.

Q. Then it is assessed at only about fifty per cent. of its value?—A. Yes, sir.

Q. Do you think there is any partiality shown in the assessment on that property?—A. I know there is not.

Q. You say you have observed some property in that vicinity, and you think it is assessed about in the same way?—A. I think it is about in the same ratio.

Q. Do you know anything about the assessment of personal property in the city?—A. Nothing but my own.

Q. How do you think the assessment on personal property compares with the amount here—what proportion of the personal property of the city do you think is assessed?—A. I cannot tell.

By Mr. CRANE:

Q. You said you loan money. Have you loaned any money belonging to the District government?—A. No, sir.

Q. Have you bought any claims?—A. Yes, sir; I have bought in some of the old corporation claims that have not been paid.

WASHINGTON, D. C., April 12, 1872.

THOMAS LEWIS duly sworn and examined.

By Mr. CHANDLER:

Question. Did you construct the Tiber arch, through the Botanical Garden, as the contractor?—A. A part of it.

Q. What portion of it?—A. That part commencing at the south side of the avenue.

Q. How much?—A. About 300 feet, running through the garden.

Q. At what price?—A. About \$175 a linear foot.

Q. State whether or not you bid for the work that was contracted for by Bartlett & Williams for continuing the sewer?—A. Yes, sir.

Q. What price did you bid?—A. About \$207 per linear foot. That was south of the garden, outside, on line of the old canal.

Q. How long have you been familiar with the canal, and what has been your opinion of it?—A. I have been familiar with it forty years.

Q. Have you, during that time, been a member of the city government?—A. I was in the council two years, and I was four years in the aldermen.

Q. State your opinion as to the expediency of filling the canal?—A. I tried to fill it up twenty years ago. It has been my opinion always that it ought to be filled. It has no business there at all.

By Mr. CRANE :

Q. Did you sign a petition to have the canal dredged?—A. I may have done so.

Q. If you are in favor of filling it up, why sign it?—A. It was between that and keeping it a mud-hole.

Q. Are you a contractor under the District government?—A. Yes, sir.

Q. Have you heavy contracts?—A. I had a contract under Mayor Emery for paving Fourteenth street.

Q. Were there other parties?—A. Yes, sir; Mr. Morse.

Q. Was any other person interested? Is not Peter Campbell interested?—A. Not that I know of.

Q. Has he not been paid money?—A. I do not know.

Q. If any were paid him would you know it?—A. I would be likely to know it.

Q. Have you had any conversation with Peter Campbell in regard to it?—A. I have not.

Q. Have you had any difficulty with Major Morse on the subject?—A. It is a private matter.

Q. Is not that trouble on account of Peter Campbell's having an interest in the work?—A. It has nothing to do with Peter Campbell.

Q. At what time did you construct the arch through the Botanical Garden?—A. I think, about 1862 or 1863.

Q. Was it not when everything was very high and labor scarce?—A. Labor was about the same as now—\$4.50 a day for masons.

Q. The bid you put in was as low as you thought you could afford to do it?—A. Yes, sir.

Q. Can you do work as low as Williams & Bartlett?—A. Possibly I can.

Q. Are you not a bricklayer?—A. Yes, sir.

Q. Have you had a long experience, and can you do work as cheap as any other man?—A. I have had a long experience.

Q. What would be the difference between what you would do it for, and what they got?—A. I do not know. I did not bid for that part of the work which they are now doing. I bid for the lower part only. I would not have taken it at \$175.

By Mr. ELDRIDGE :

Q. In this work that you built, was the price so that you made a large profit from it?—A. About 20 per cent. There was a large curve there, and it was more difficult, so that we had to take great pains with it.

Q. Did you put in a bid as low as you would have been willing to do it?—A. Yes, sir; I would not have done it any less.

Q. Have you noticed the work that these men are doing?—A. No, sir; I have not been near it.

By Mr. CHIPMAN :

Q. Do you know whether the work for which Bartlett & Williams are paid \$175 a foot has been increased?—No, sir.

Q. You say you would not have taken it at that figure?—A. I would not.

WASHINGTON, D. C., April 12, 1872.

JOSEPH F. HODGSON, duly sworn and examined.

By Mr. CHANDLER ;

Question. What is your business?—Answer. I am intendant of the Washington Asylum.

Q. How long have you been in charge of it?—A. I was placed there by Mr. Emery.

Q. State in reference to the character of the beef furnished by Mr. Carroll.—A. The beef furnished now is very good. We purchase it in open market. We get the brisket, the thin end of the plait, the butt end of the rib, and sometimes the other end.

Q. From whom do you purchase?—A. I have purchased from Mr. Carroll for some time.

Q. Have you any existing contract with him?—A. No, sir; he never had a contract. When we had contracts we used to get meat that was of little use to the butchers, and sometimes we had to carry it back. I made the suggestion that it would be better if we purchased in open market, and they made an agreement to purchase of Mr. Carroll for forty-five

days, at a list of prices furnished by him. Since that time we have purchased of him, and probably shall continue to do so as long as he gives us the quality of meat he does now at the same prices.

Q. What prices?—A. Twelve cents for all kinds.

Q. What kind did you purchase for forty-five days?—A. Brisket, thin end plait, butt end of ribs, and very frequently the thin end of ribs.

Q. It has been stated that he furnished shins and necks.—A. If it was so, I would have sent it back.

Q. Has the meat that you have purchased of him been worth the price that you paid for it?—A. It has.

Q. Has it been suitable for the people there?—A. It has been the best we ever had.

Q. Has there been any complaint?—A. None now.

Q. Who had furnished it before?—A. A gentleman by the name of White, and several butchers had furnished under contract. They furnished such cuts as they could not sell.

Q. State whether Governor Cooke, or any member of the board of public works, undertook to control the contract for beef; and if Governor Cooke said anything about it, state what it was.—A. No, sir; Governor Cooke never said anything to me about contracts. I had a conversation with him. He asked me what kind of meat we were furnishing, and I told him. He said he did not propose to have those people fed on poor meat; he wanted them to have good, wholesome food, but did not want me to be extravagant.

Q. Was anything said about meat being furnished at five cents a pound fit for their use?—A. No, sir; I said something about beef being bought for eight cents on the hoof, and he said he did not want the poor fed with offal; that he wanted to have them fed with good, wholesome food.

Q. State with reference to the groceries that you have been purchasing?—A. I have the books from Mr. Davis's and Mr. Bassett's, from which the prices can be obtained. Here are the prices for fish bought from Mr. Bassett and Mr. Davis for the same week. Bassett sold some for \$6 and Davis some for \$6.50.

Q. State whether the prices furnished by Bassett were fair and reasonable?—A. They are.

Q. Has there been any making of presents, or any bribery, that you know of, in any manner?—A. No, sir; none of them have given me a cent.

Q. Has there been any during the last nine months?—A. I have never received a cent.

Q. Something has been said about some herring: what about that?—A. I had been purchasing some herring from Mr. Davis, and afterward Mr. Bassett came out to me and made a proposition to which I did not accede. He said he had a lot of fish in his cellar which he would like to close out at \$4 a barrel, and said he had sold some at \$6. I said I would think over it. I thought it would be extravagant to purchase fish because I could not keep them. I was satisfied I would lose them if I bought them.

Q. Did these fish afterward come to the asylum, to your knowledge?—A. Not to my knowledge. We bought some of Bassett for \$4.

Q. Were any herring purchased at more than the current market price?—A. No, sir; Mr. Davis's price was \$6.50. He afterward offered some at \$4.

By Mr. CRANE:

Q. Were not these same herring that Bassett offered you afterward sold to you by Mr. Davis?—A. Not to my knowledge. When Mr. Davis was there, at one time, he offered me money to purchase goods from him.

By Mr. CHANDLER.

Q. What did he offer you?—A. At first he offered me \$400, and the second offer was \$700.

Q. Did you decline?—A. Yes, sir; as I did the others. The intendant never purchases anything without a requisition, which the president of the board signs, and in the following week a recapitulation is made of the purchases. The statement of accounts is very good. Our books will bear inspection; and they are always open.

By Mr. CRANE:

Q. The prices in your books here are retail prices?—A. Yes, sir.

Q. What sugar is this at 14 cents a pound?—A. It is white sugar, used for the sick, and used at the table of the intendant; a very fine quality of white sugar.

Q. Is that not a cent above the market price?—A. No, sir.

Q. Which, on the whole, sells the cheapest, Bassett or Davis?—A. I do not see much difference.

Q. Was there not trouble among the commissioners when the advertisement was withdrawn and Carroll was given the contract for the beef?—A. There was no contract given him. There was some talk about it.

Q. Was there not some dissatisfaction on the part of some of the commissioners in regard to that matter?—A. I think some votes were taken. They stood two to one.

Q. Did not Mr. Cross threaten to resign on account of it?—A. Not to my knowledge. I never heard him say so.

Q. Do you say that Carroll furnishes the best meat ever furnished there?—A. Yes, sir.

Q. Who furnished it the year before?—A. Mr. White.

Q. Did not he furnish good meat?—A. He sometimes furnished such cuts as he could not sell, as others did.

Q. Have you not said that Mr. White furnished the best meat ever furnished there?—A. I believe he did at the commencement, but we get better now.

Q. You do not get fine roasting-pieces, and porter-house steak?—A. We get good roasting-pieces.

Q. Do you say that no shins and neck-pieces have been brought by Mr. Carroll?—Yes, sir; I say so. We have no use there for them.

WASHINGTON, D. C., April 12, 1872.

WILLIAM D. WISE sworn and examined.

By Mr. CHANDLER:

Question. What is your business and what has it been for the last twenty years?—Answer. I have been a contractor for nearly forty years.

Q. For what kind of work?—A. Various kinds; dredging, street-grading, masonry, &c.

Q. What was your original business?—A. I followed blacksmithing.

Q. What contracts have you had in this city?—A. I have done a good deal of street-work by contract. I have done a good deal of superintending of work.

Q. Did you ever do any work on the Washington Canal?—A. I have.

Q. How long have you been familiar with the canal?—A. Forty years.

Q. What work did you do on the canal?—A. I dredged part of it. I superintended the dredging of the west section of the canal, under Dr. Magruder.

Q. State what official connection you had with the canal.—A. I was a commissioner on the canal six years.

Q. State, if you please, your opinion and judgment as to the expediency of filling the canal.—A. I think it is the best thing ever done.

Q. How long has it been your opinion that the canal should be filled?—A. Some years ago, when it was used as a canal, I think it was essential to have it so used, but since it has been used as a sewer for deposits for water-closets, I think it is essential to fill it up. The filth deposited there is very offensive. I came to the conclusion that, as long as we had to make a sewer, that it would be better to have a covered one.

Q. Have you any anticipation from heavy rain-falls?—A. Not so much as formerly. The bridge was formerly so constructed as to obstruct the passage of the water. There are now open spans of one hundred and twenty-five feet a part; whereas, the spans heretofore were only twenty-four feet, and the effect was to dam up the water two or three feet higher than it was below. Now the water will pass off freely, and I do not anticipate any trouble from the overflow of the Potomac.

Cross-examination postponed.

WASHINGTON, D. C., April 12, 1872.

THOMAS GALT recalled.

By the CHANDLER:

Question. What is your present business?—Answer. Superintendent of the work on Tiber arch.

Q. Have you superintended all the work done by Bartlett & Williams?—A. I have.

Q. State the character of the work.—A. It has been done according to the specifications in every respect.

Q. Is it, as far as you have observed, a substantial and valuable work?—A. I so consider it.

Q. There has been something said about the skew-back being omitted in the plan. Have you drawn any of the plans?—A. Yes, sir. In an arch of this kind it is not necessary to have a skew-back. It conforms precisely to the drawing and specifications to the arch under Pennsylvania avenue.

By Mr. CRANE:

Q. How much sand and how much cement did you use?—A. One-third cement and two-thirds sand.

Q. Did you see the cement mixed?—A. I had the management of it, and went over the work at different times during the day and directed as to the mixing of the cement.

Q. Do you know of any directions to the men to put in ten parts sand and one of cement?—A. No, sir.

Q. Do you know whether they did it?—A. They did not that I know of.

Q. Did not the contract require you to mix two parts sand and one of cement?—A. Yes, sir.

Q. Would you consider anything lower than that as a weak cement?—A. Yes, sir, generally.

Q. Do you say positively that that work there is done according to contract?—A. Yes, sir, as nearly as possible.

Q. Who furnished those plans?—A. The board of public works.

Q. When you laid that arch did you lay it in sections, or all the way together?—A. We laid it all the way through except the last one.

Q. Is the last one finished?—A. Yes, sir.

Q. When was it finished?—A. Some time before the 8th of February. That was a straight joint, as we thought it would be better to leave it in that position.

Q. Are you an engineer?—A. No, sir.

Q. What is your profession?—A. I am a brick-layer.

WASHINGTON, D. C., April 12, 1872.

M. M. ROHRER duly sworn and examined.

By Mr. CHANDLER :

Question. State your business.—Answer. Real-estate agent.

Q. How long have you been a real-estate agent in this District?—A. Nearly five years.

Q. State, in your own way, the condition of prices of real estate in this city for the last year or two.—A. It would be very hard to give a statement without special or particular questions were put.

Q. State whether or not the prices have been advancing during the last year and a half.—A. Yes, sir; they have.

Q. State the effect of the improvements made by the new government upon the price of real estate.—A. The effect has been good. There may have been certain instances where it was not so; but in the main they have benefited the real estate, not only where they are made, but throughout the entire city. In cases where there are triangles of the streets, where improvements come along on both sides, the expenses, in proportion to the property, are a little too heavy. There is not sufficient property there to stand the expense; and in such cases there has been a depression; but take the whole city, and property has advanced in prices.

Q. State whether or not property has depressed any in price by reason of any anticipated debt on the city where improvements have been made.—A. I do not know a single case.

By Mr. HARMER :

Q. The question of high taxes, then, has not depreciated property in the city and the people consider that the increase in value of property will justify the taxes?—A. Yes, sir; I have found parties who will croak largely about heavy taxes, who, when you want to buy, their prices are very high. I have not found one who is willing to make any abatement.

By Mr. CRANE :

Q. You stated that property has advanced within a year and a half. Are you able to state that it has advanced within the last three or four months?—A. I think it has. I know it has.

Q. Do you know of any sales of property, within that time, that have brought higher prices than were paid a year ago? Is it not the common talk about town that there has been a great stagnation?—A. It has not been so active as it would have been if it had not been for this insane injunction and the effort to stop the improvements. It has been a marvel to me why this opposition should occur. The feeling in favor of improvements, among the people, seems very general; so far as my own information goes, it is understood that these improvements—building sewers, pavements, &c.—will cause high taxation; but, then, the property will increase in value. If I want to beautify my own ground I must pay for it individually; but if we want to beautify the streets of the city we must do it in common. If we want to have things beautiful and cleanly we must pay for them. We must do it either by taking money out of our own pockets for improving our own property, or by taxation for the improvement of the city in general. I do not know an instance where the improvements have depreciated the property.

Q. Do you state that this opposition to the improvements, made by the board, is caused by opposition to the improvements themselves or to the manner of the improvements. Is it not because they are opposed to running in debt and to placing so much money in the hands of so few individuals?—A. It has never struck me so. I am a property-holder in a small way, and I know that any piece of property I own, in consequence of these improvements, will be greatly increased in value.

Q. Do you know of anybody who is opposing the board of public works and engaged in this investigation because they are opposed to improvement?—A. I could not say that I do. I do not know what they want.

Q. Do not they all state that it is on account of the reckless manner in which the improvements are being done?—A. I have not heard any charges of recklessness. The opposition is generally on account of the taxes. A gentleman said to me, "They have put an increased assessment of five cents on my ground." I told him he had better not complain; he had better be quiet, because they had not yet got it high enough.

By Mr. HARMER:

Q. How much more is that property worth than it was before that five cents was added?—

A. The advance on the property would have been more than that without any improvements. People forget that property has improved vastly since the last assessment. Every piece of property in the city can stand more taxation. I have bought property frequently at less than its assessed value. It is always the case. There are circumstances arising occasionally, why parties want to sell. I know why the skating-rink parties wanted to sell the property. It belonged to no one in particular, and it was bothering them to take care of it, and they wanted to get rid of it. People often jump at conclusions and sell sometimes without any consideration.

By Mr. CRANE:

Q. Do you know the rate of taxation?—A. I do not.

Q. Suppose it is \$3.60 on the \$100?—A. So far as I am concerned I have no objection, if we get a corresponding amount of improvements. They pay that in Philadelphia, and, I think, more.

Q. You spoke of this as an insane opposition, can you name any charge that the memorialists have made that is not true?—A. I could not say unless I read it. When I say "insane," I mean that it is doing the city a vast amount of injury; every day thousands of employes are out of work, just at the season when the improvements should be going on; and all this tends vastly to increase the debt. Every day lost here is so many hundred thousand dollars' loss of time.

Q. Do you know of any improvements that are stopped in consequence of this investigation?—A. Some, I suppose, that are under contract, are still going on, and the city is bound to pay them in some shape.

Q. Are they not at work all over the city?—A. The work has been stopped, and I cannot see the object of stopping these public works, when the bill has been passed and the money provided and plans of laying it out. It is a general system of improvements that I like. Formerly they made frequent changes in the grades; now we have one common plan and a regular system of grades, and it does not make any difference whether it is done in a year or in two years. If it is done in one, so much the better. The property can stand it, and when it is done it will induce people to come here; and every one that comes helps to increase the value of the property and lessen the taxation.

Q. Is it not notorious that the grades have been changed within the last year?—A. I do not know of but one instance, on New York avenue, between Thirteenth and Fourteenth streets. I have no doubt that the board have made mistakes. They found everything in a very unsystematic condition, and they had to make new plans. Any errors they have made are of the head, and not of the heart. I have the highest opinion of the integrity of the members of the board of public works.

Q. Did you have any thing to do with the sale of the market-house site?—A. Yes, sir; I was connected with that.

Q. Did Mr. Shepherd write a letter, introducing you to Mr. Gulick and recommending you as a man that he could trust?—A. Mr. Shepherd wrote a letter to Mr. Gulick. I had done a good deal for the Savages, in one way or another. Mr. Joseph Savage came to me and said they were talking of buying that square for the market; that his sisters had been to see Mr. Gulick, and that Mr. Gulick did not want to act in the character of an agent, as he was a member of the legislature, and wanted me to see him and state the matter had been in the hands of A. K. Browne, and he supposed that he was a relative of Mr. S. P. Brown, who was a member of the board of public works. He thought it desirable, therefore, that the matter should be in other hands, and wished me to see Mr. Gulick, in whom his sisters had great confidence, and who was not willing to be an agent in the matter. I did not know Mr. Gulick. Knowing that he did business at the Metropolitan Bank, however, I asked Mr. Kelly to write a note for me to him. Mr. Kelly stated I had better get a note from Mr. Shepherd also, and I did so; Mr. Shepherd at first declined to write, because I told him what I was after. I then said, "You can give me a simple letter of introduction." I delivered these letters to Mr. Gulick, and he said he would mention the matter to the ladies.

Q. You say you were acquainted with the Savages before. What was the necessity for writing a letter to Mr. Gulick and using the expression in the letter that you were a man that could be trusted?—A. Mr. Gulick did not know me, and might have thought it presumptuous in me to come and ask to have control of the property.

Q. Did not Mr. Shepherd use the expression that you were a man whom he could trust?—A. I did not see a line of it. The letters were sealed.

Q. Did you, then, take the property in your own hands to sell?—A. I did. He offered me a nominal sum as a commission, which I thought was very little, but I thought half a loaf better than none at all. So I concluded to take charge of the matter, and accordingly called on the governor.

WASHINGTON, April, 1872.

JAMES C. RANKIN sworn and examined.

By Mr. CHANDLER :

Question. Are you assistant architect at the Treasury Department?—Answer. I am.

Q. Did you, in connection with Mr. Cluss, make an investigation into the value of the furniture and material furnished for the Morrison building?—A. Yes, sir, we made an examination of everything and a valuation of the furniture.

Q. It has been stated by Mr. Zimmerman, who made an examination, that there were ninety-five yards of carpet short.—A. We measured the carpet three times and the pieces turned in, and also allowed Mr. McKnight for the pieces cut out and we found the amount that we certified to to be correct, cutting down Mr. McKnight's bill.

By Mr. CHIPMAN :

Q. Were you under oath at the time?—A. Yes, sir.

Q. You had previously been sworn?—A. Yes, sir.

By Mr. CRANE :

Q. Did you go through the whole?—A. All that we found on the bills were examined; some of the bills we did not find, and we stated that in the note.

Q. Did you audit and approve the account for the pavement in front of the building?—A. We made a statement; we made some deductions. They had measured all the openings, claiming that that was customary. We made a deduction of that amount.

GEORGE W. BALLOCK sworn and examined.

By Mr. CHANDLER :

Question. What is your connection with the District government?—Answer. My official title is superintendent of streets, avenues, and alleys.

Q. You may state, if you please, the number of men employed by the District government under your charge in the month of November last. If you have prepared a statement, you may produce it.—A. I have it here.

By Mr. ELDRIDGE :

Q. Please state the number you employed on the day before election?—A. That was the 21st of November. There were on that day 809 men, including the boys who were driving the carts.

Q. Have you a statement of the whole number employed during the month of November?—A. I have it in detail.

The following is the report which was presented and received :

A.—Abstract of daily reports, showing the number of men, carts, and plow-teams employed under the direction of the superintendent of streets, &c., during the month of November, 1871.

* 1871. November.	SPECIAL IMPROVEMENTS.					Total each day.	1871. November.	CLEANING AND REPAIRS.				Total each day.
	Superintend- ents.	Foremen.	Laborers.	Carts.	Plow-teams.			Superintend- ents.	Foremen.	Laborers.	Carts.	
1st.....	17	25	19	1	....	62	1st.....	11	10	44	13	78
2d.....	17	25	751	361	3	1,157	2d.....	11	10	168	45	234
3d.....	17	25	804	410	3	1,259	3d.....	11	10	171	47	239
4th.....	17	25	803	409	3	1,257	4th.....	11	10	175	47	243
6th.....	17	25	814	414	3	1,273	6th.....	11	10	180	49	250
7th.....	17	25	814	424	3	1,283	7th.....	11	10	163	42	226
8th.....	17	25	828	422	3	1,295	8th.....	11	10	182	46	249
9th.....	17	25	843	398	3	1,286	9th.....	11	10	185	48	254
10th.....	17	25	139	50	1	232	10th.....	11	10	117	37	175
11th.....	17	25	806	412	3	1,263	11th.....	11	10	174	46	241
13th.....	17	25	820	430	3	1,295	13th.....	11	10	176	43	240
14th.....	17	25	272	144	2	460	14th.....	11	10	62	17	100
15th.....	17	25	334	185	2	563	15th.....	11	10	175	45	241
16th.....	17	25	651	364	2	1,059	16th.....	11	10	*265	68	354
17th.....	17	25	800	405	3	1,250	17th.....	11	10	211	59	291
18th.....	17	25	825	414	3	1,284	18th.....	11	10	197	48	266
20th.....	17	25	69	57	....	168	20th.....	11	10	33	7	61
21st.....	17	25	394	201	1	638	21st.....	11	10	117	33	171
23d.....	17	25	627	321	1	991	23d.....	11	10	169	48	238
24th.....	17	25	189	40	1	272	24th.....	11	10	15	5	41
25th.....	17	25	409	194	2	647	25th.....	11	10	168	44	233
27th.....	17	25	632	317	3	994	27th.....	11	10	161	47	229
28th.....	17	25	729	358	3	1,132	28th.....	11	10	184	50	255
29th.....	17	25	704	363	3	1,116	29th.....	11	10	154	43	218
30th.....	17	25	48	24	....	114	30th.....	11	10	30	10	61

* Extra force put on to clean Pennsylvania avenue.

I certify that the above abstract is correct.

G. W. BALLOCH,
Superintendent of Streets, &c.

NOTE.—The actual number of men employed in any one day can be found by adding the four columns together, as there was one man with each cart and one (extra) with each plow-team. The total number employed on special improvements and cleaning and repairs each day is shown in the column of total in each day.

Q. Were those all who were employed under your charge?—A. Yes, sir.

By Mr. CRANE:

Q. What was the number of men employed during the month of November?—A. I have not the aggregate.

Q. What was the object in picking out the number on the day before the election?

Mr. ELDRIDGE. I suggested that day because I wanted to know myself.

Q. How many were on the pay-roll? Give the largest and the smallest number of any day?—A. The largest number was 1,649; the smallest 78. The day when there was the largest number, there was an extra force put on for cleaning Pennsylvania avenue.

By Mr. CHANDLER:

Q. The smallest number was on election day, was it not?—A. There were two days exactly alike. The large number was on the 13th of November.

Q. Does that comprise all the men who were at work in the city?—A. It comprises all who were employed under me.

Q. It did not take in those in the county, then?—A. No, sir.

Q. Have you looked at the statement sent in by the board of public works in regard to the number of men employed?—A. I made a detailed statement of the number of men employed each month and it went in here. It was compiled from the pay-roll.

By Mr. ELDRIDGE:

Q. Were there, at any time, 14,000 men?—A. No, sir; I do not think there were. I do not know how many the contractors had.

By Mr. CRANE:

Q. Would you think that the average number to each contractor would be less than 30?—A. I have no idea.

By Mr. ELDRIDGE :

Q. Were the men who were employed by the contractors in the service of the city at all?—A. I think not; they employed and paid their men.

By Mr. CRANE :

Q. Did not the District authorities have anything to do in procuring the contracts and paying the help?—A. I do not know anything about it.

By Mr. CHANDLER :

Q. Will you look at the statement of the report of work done under the general direction of the superintendent of the streets, on pages 81, 82, 83, and 84 of the testimony taken during this investigation, and see whether the original statements from which that was printed were furnished by you, and state whether those original statements were correct?—A. They were furnished by me. I believe the original statement to be correct. I compiled it from the pay-rolls myself.

Q. It was sent here without your certificate upon it?—A. Yes, sir; I omitted to sign it, but I made it. It is correct, to the best of my knowledge and belief.

By Mr. CRANE :

Q. What class of work comes under you?—A. It is mostly days' work that comes under my superintendence: I compel every superintendent, no matter whether of special improvements or cleaning and repairing the streets, to make a morning report, just as we used to have made in the Army; for instance, every man who works to-day is reported by some one of the superintendents, and I send an inspector every day to count the men and carts, and when the reports come in I compare them, to see that everything is correct. In that way I kept a check upon them.

Q. Were the pay-rolls approved before they were paid by you?—A. The pay-roll was approved directly by me. It was certified to by the superintendent in charge of the work.

Q. Has the work for grading the streets by days' work been paid for?—A. I presume so; possibly a few who worked only half a day have not thought it worth while to come to get their pay.

Q. How do you account for the discrepancy in the cost of grading L street? In one place it is put down at \$15,000 and in another at \$11,000.—A. I was not aware that there was such a discrepancy. The auditor may have changed my division. I made a division from the reports in my hands. He might have made it from some other. I cannot tell what he did.

Q. Did you inspect the work on L street when it was going on?—A. I had an officer on purpose for that. I went over it occasionally.

Q. Do you think it was an economical expenditure of money?—A. I have no opinion to give.

Q. Have you any idea of the expenses per yard?—A. I have not.

Q. Suppose it was a dollar a yard, would not that be too great?—A. That would depend on the amount of excavation and length of the haul. If the haul was short and the grade easy I should think it was a large price.

Q. Take L street from Second street east to the boundary, some six or seven squares.—A. The grading, as I recollect, was hard clay, what we should call rather uncommonly hard clay. It was not sand. It was harder than the average grading in the city. But that was done six months ago, and I cannot remember every detail about it.

Q. Do you recollect about Eighth street southwest and about the soil there?—A. It was about fair ground; it was a hard loam.

Q. Why do you approve bills for the payment of work at \$1 a yard for grading streets?—A. I do not know that I have done so. The pay-roll of the men is put in; the superintendent of the district certifies that the men worked that amount of time: that goes to the auditor, who sees to the calculation; it then goes to the board, and they order the paymaster to pay it. My approval would not carry any bill through.

Q. You do not know that the grading on Eighth street cost over \$1 a yard?—A. No, sir.

Q. You did not pay any attention to it?—A. It is not my duty; it is my duty to see that the men work. I have to get so many men and so many carts and see that they do so many days' work.

Q. Have the streets graded all cost a dollar a yard?—A. I could not tell you. I do not know what they have cost. I never was instructed to keep any account of them.

Q. How many men, in your judgment, were employed last fall by the contractors and how many by the District government in government capacity under the board of public works?—A. I could not tell.

Q. Would 10,000 be too high a number to estimate it?—A. It would be mere guess-work. I do not know anything about it.

By Mr. ELDRIDGE :

Q. Do you know anything about the number of men employed by the contractors?—A. No, sir; all that I know is in regard to the men employed under me, and I have given you that number.

By Mr. CHIPMAN :

Q. The reports that you speak of are submitted to the board of public works for their inspection?—Yes, sir; every day.

WASHINGTON.

B. D. CARPENTER recalled.

By Mr. CHANDLER :

Question. Have you a statement of the number of men employed under you each day for the month of November last?—Answer. I have.

Q. Please give the largest number and the smallest number on any day during that month.—A. The highest number of laborers in the first and second districts was 915 men on the 7th of November and the number of carts was 303.

Q. Please give the number the day before and the day of the election.—A. The day before the election the number of men was 635 and the day of the election 67. On the 23d, the day after the election, there were 552.

By Mr. CHIPMAN :

Q. Does that include the drivers of the carts?—A. No, sir.

Q. Why not?—A. They were boys principally, from twelve to fifteen years of age.

By Mr. CHANDLER :

Q. Three hundred and six is the highest number of carts on any day during the month of November?—A. Yes, sir.

By Mr. CRANE :

Q. How many plows were there?—A. There were four plows.

Q. How many men to a plow?—A. Two men at the plows were counted in with the laborers. There was one extra one.

Q. What day was the largest number of men employed?—A. The 7th of November.

Q. Did you stop work in December?—A. Yes, sir.

Q. Did you diminish the number of laborers gradually from election time until you closed?—A. No, sir.

Q. Have you not given evidence that you increased the number of men after the election?—A. I do not remember giving any such evidence.

Q. Do not you remember testifying that instead of diminishing after election there were more men put on, to finish up the work before winter?—A. I do not. The question was asked if men were discharged after election, and I replied they were not.

By Mr. ELDRIDGE :

Q. Did you discharge them when they were discharged?—A. I signed the notice to stop the work.

Q. Do you remember this man Ruffin?—A. I do.

Q. Who discharged him?—A. I think Mr Thompson notified him of his discharge.

Q. Why was he discharged?—A. Because he meddled with that which did not belong to his business. He interfered with the laborers.

Q. Was he discharged because he opposed the laws of the board of public works?—A. No, sir. It had no reference to that. He was inclined to be talking politics among the men, and as he passed up and down among them he would stop and take up their time in talking with them. He was notified that he would be discharged unless he stopped that.

Q. Do you know Voorhees?—A. I do.

Q. Was he discharged?—A. He was.

Q. What for?—A. I recommended his going to the board of public works as a matter of economy and efficiency to discharge the present time-keeper. I wished to make the superintendents responsible for the number of men. Mr. Voorhees was not on the work every day, and he took his time from the foreman of the gang of men, which I did not approve. The board acted upon my recommendation. I gave him his discharge previous to the election.

Q. What was the real cause of his discharge?—A. I believe I disliked the manner in which he kept the time; some weeks he was not there more than three times a week.

Q. Was it not because of his having voted in any particular way?—A. No, sir.

Q. Did he ask you the reason for his discharge?—A. He asked me, and said, "I understand I am to be discharged on account of drinking." I told him I had never heard of that. I had his discharge written, in my pocket at the time, and the reason of his discharge was given in that communication which I have stated.

Q. Were any of these men discharged because of the votes which they cast?—A. Not to my knowledge.

Q. Did Mr. Shepherd direct you to have Ruffin discharged?—A. Mr. Shepherd directed Mr. Thompson, that unless Ruffin ceased discussing politics on the road, to discharge him.

Q. Was it a fact that he was in the habit of haranguing the men on the road?—A. He was assistant time-keeper, and as he passed up and down the road he would stop and talk with the men.

Q. Then it was not on account of his votes?—A. Not at all.

Q. Have you made an estimate of the cost of the Seventh street improvement?—A. I have.

Q. Please give it.

[The statement was read, as follows:]

Seventh street road improvement.

124,324 cubic yards grading—	
37,546 hard surface, 40 cents, (10 cents extra for hauling):.....	\$18,773 00
16,095 clay, 65 cents.....	10,461 75
70,683, at 30 cents + 10 cents = 40 cents.....	28,273 20
21,120 yards of graveling, 45 cents.....	9,504 00
15,018 yards of macadam, \$3.50.....	52,563 00
22,528 square yards paved gutters, 55 cents.....	12,280 40
640 yards stone, \$7.25; 34,000 brick, \$22.00, (culvert at Piney Branch)....	5,388 00
3 culverts, with arch, on sections 1 and 2, containing—	
1,092.8 yards stone and 20,000 brick.....	8,362 80
9 18-inch sewer-pipe culverts, \$1.52 per foot.....	1,683 00
1 24-inch sewer pipe, 84 feet, \$2.75 per foot.....	377 00
2 culverts on No. 3, 362 yards stone, 10,000 brick.....	2,844 50
Total	<u>150,510 65</u>

Q. State wherein that estimate differs from the board prices for similar work.—A. I have never seen any of the prices of the board for excavation of clay, but I put it at the prices for what is given as fuller's earth or potter's clay.

Q. What was that?—A. Three dollars and a half for macadamizing stone. I think the board has no established rates for that, but the price that I have fixed is the lowest for which it can be done.

Q. Do you think that no contract could be procured lower?—A. I do not think any one would take it lower.

Q. Are these figures as low as the contract could have been obtained for, in your judgment?—A. Yes, sir.

Q. Will the work, when finished, vary much from that?—A. It may cost a trifle more. There will be an addition of a few feet of pipe. It may cost \$2,000 or \$3,000 more, on the whole. I have made a very careful estimate.

By Mr. CRANE:

Q. What is the total amount paid out?—A. I do not recollect.

Q. How much will it require to complete the road?—A. I think that to finish the whole will cost somewhere about \$70,000.

Q. You say you estimate the whole at \$150,000. Do you know how much has been paid already?—A. I do not, exactly.

Q. Then, if it should prove that \$95,000 have already been paid, your estimate would be too low?—A. Yes, sir; but I cannot say that that is so.

Q. You think it will require about \$70,000 more?—A. Yes, sir.

Q. Do you recollect stating here before that it would not cost \$120,000?—A. I stated, I think, it would not cost over \$120,000 or \$130,000. I made the estimate, assuming so much work to be done.

By Mr. CHIPMAN:

Q. Since that time you have gone over it carefully and made these estimates?—A. Yes, sir; and I have had the returns of the stone since, for which the board pay, and I am now able to make a better estimate.

By Mr. CRANE:

Q. What assurance have we that the whole will not cost \$300,000?—A. I do not know; I do not give any guarantees.

Q. You do not know whether all the bills have been paid?—A. I do not know.

Q. This statement you sent in at first was correct?—A. Yes, sir.

Q. Have you ever figured it up?—A. Yes, sir; I took it from the pay-rolls.

Q. Are you now at work on Seventh street?—A. No, sir.

Q. When do you expect to finish the work?—A. I cannot tell.

Q. Do you propose to do any more of it by days' work?—A. I do not know. We pro-

pose to do the most of it by contract. Another reason that I have arrived at these figures is, that I have made measurements, so as to make advertisements.

Q. Didn't you make a measurement before the work was commenced?—A. I did not.

[The following is the list of laborers referred to in the preceding testimony:]

Statement showing the number of laborers and carts employed daily by the board of public works in November, 1871, in first and second districts.

November, 1871.		First district.		Second district.		Total number.	
Day.		Laborers.	Carts.	Laborers.	Carts.	Laborers.	Carts.
2.....		244	86	544	210	788	296
3.....		259	83	573	211	832	294
4.....		256	88	589	194	845	282
6.....		271	94	593	185	864	279
7.....		269	94	646	209	915	303
8.....		272	90	625	216	897	306
9.....		272	96	583	202	858	298
10.....		33	2	.....	.....	33	2
11.....		288	83	449	182	737	265
13.....		275	101	573	205	848	306
14.....		28	2	.....	.....	28	2
15.....		148	44	528	132	676	176
16.....		264	95	524	198	788	293
17.....		274	79	519	191	793	270
18.....		262	68	495	188	757	256
19.....		19	18	60	20	79	38
21.....		186	71	449	193	635	264
22.....		59	34	8	.....	67	34
23.....		57	87	495	197	552	284
24.....		84	29	273	159	357	188
25.....		143	21	340	126	483	147
27.....		234	91	437	162	671	253
28.....		243	88	489	203	737	291
29.....		208	67	255	93	463	160
30.....		55	20	.....	.....	55	20

NOTE.—The drivers of carts not included; they were all boys.

B. D. CARPENTER,
Superintendent of Roads, &c.

WASHINGTON, D. C., March 29, 1872.

WASHINGTON, D. C., April 15, 1872.

WILLIAM D. WISE recalled.

By Mr. CHANDLER :

Question. I want you to state, as you have been canal commissioner, what you know about the revenues from the canal.—Answer. The revenues from the canal, up to the time that I was on it, never exceeded \$6,000 a year.

Q. During what year were you commissioner?—A. From 1852 to 1858, I think.

Q. Can you state what the expenses were during the same time?—A. The expenses were about \$4,000 or \$5,000 a year.

Q. Where there any extraordinary expenses during that time?—A. No, sir.

Q. State whether you had any knowledge of gates or dikes erected at Seventeenth street end of the canal, by Mr. Severson, and of the effect produced by them, if you know.—A. Mr. Severson had a plan to wash out the canal by letting in the water by gates and letting it out suddenly. I had a project for dredging, but his prevailed. I was asked what would be the effect of Mr. Severson's plan, and told them it would fill up that part of the canal faster than ever before. The gates, however, were placed there, and the water was sometimes 6 feet deep by Fourteenth street, and 8 or 9 at Seventeenth street. There were gates there so constructed that, at the high tide, the water was let in and the water remained quiet within the gates six or seven hours. The consequence was that more sediment was deposited during that time than was washed out when the gates were open. I went through there, a few years afterward, and found the whole canal was filled up with sediment.

Q. Was that the effect of this gate-way?—A. It was principally at that locality.

By Mr. HARMER :

Q. The erection of the gate had the effect to dam up the water?—A. Yes, sir. Mr. Thompson built something like it, where they spent \$10,000 with the same result. A good

many people think the canal is a source of revenue to the city, but it is not worth anything. It is only a convenience to dealers in coal and wood. The price of wood delivered on the canal is only about fifty cents to a dollar a cord cheaper than it is on the river-front. I made that calculation for a period of years. The canal is simply a privy-box, and, if we do not take some action to stop its influence, we shall have a pestilence. It is the greatest nuisance we have among us. It never can be improved as a canal.

By Mr. CHIPMAN :

Q. You say you had charge of collecting the revenue from 1852 to 1858 ?—A. Yes, sir.

Q. Did that embrace a period when the canal was as useful for commercial purposes as at any time ?—A. It was a little more so.

Q. So that the revenues at that time were as great as at any period ?—A. I think one of the commissioners told me that the largest collection in one year was about \$8,000.

By Mr. CRANE :

Q. You stated that the canal is nothing but a privy-box ; that the water remains stagnant in it ?—A. Nothing but that.

Q. Will not the proposed sewer be a good deal worse in that respect ?—A. I do not think so. If the sewerage is divided, as it is proposed to have it, I think that will relieve the canal and the lower lands generally.

Q. Was the canal navigable, from year to year, while it was under your administration ?—A. No, sir ; nor has it ever been navigable from year to year ; not over three years during forty.

Q. Then you are unable to give any idea of what the revenue would have been if the canal had been in a navigable condition ?—A. Wharves could be run from Maryland avenue to Seventeenth street.

Q. Suppose the canal was dredged, as required by contract with Teemyer & Co., and made navigable, so as to connect with the Chesapeake and Ohio Canal, is it your opinion that the revenue would not be over \$6,000 a year ?—A. I do not know.

Q. Did not you state, last year, that if that were done the revenue would exceed \$50,000 a year ?—A. I never did. I do not see how you are to increase the revenue.

Q. What was the population of Washington at this period compared with the present population and business ?—A. It is considerably more now ; perhaps twice as much.

Q. If the revenue was \$6,000 then, with the small population and small amount of business, is it not probable that with three times the population and five times the amount of business the revenue would be \$18,000 ?—A. I differ with you there. The people then thought that the canal was to be a line of commerce, but now they are going on the river.

Q. What was your salary at that time ?—A. About \$800.

Q. What were the expenses ?—A. We expended five or six thousand dollars in dredging while I was commissioner.

By Mr. ELDRIDGE :

Q. We understand you to speak of the amount received per year as about four or five thousand dollars.—A. I think it would not reach \$6,000.

By Mr. CRANE :

Q. The expenses then were about \$1,000 a year.—A. Yes, sir.

Q. Did that include your salary ?—A. No, sir.

Q. Then the canal yielded some revenue to the corporation ?—A. Yes, sir ; because they never spent anything on it.

Q. Did you ever make an estimate of the amount of sand washed into the canal ?—A. I did.

Q. How much was that estimate ?—A I think it was something like fourteen or fifteen thousand yards annually.

Q. And can you give any reason why that amount will not wash into the sewer ?—A. Certainly I can ; the streets were not paved then ; the Tiber Creek was not arched, and there was a great amount of material washed from its banks at every heavy rain. I have seen as much as 3,000 yards of material come down in one rain.

Q. What was that sand worth a load ?—A. I sold some for 25 cents a cart-load.

Q. What would that bring now ?—A. Sixty or seventy-five cents.

Q. That would be, then, some \$9,000 a year for sand.—A. That might be so for one year.

Q. Did not you give the average amount that washed in ?—A. Yes, sir ; about 15,000 yards. But I did not mean to say that was all sand. I mean the whole amount of matter that came down, sand and mud.

Q. How much sand in a year, do you think, comes out of the canal ?—A. Some seasons there may have been 2,000 loads, more or less.

Q. Were you in favor of cleaning out the canal last year ?—A. I was.

Q. Did you bid on the work ?—A. I did not.

Q. When did you change your views in regard to the canal ?—A. I always opposed it for commercial purposes ; but when it comes to be used as it is, as a stagnant sewer, I think it is time it should be stopped up.

- Q. When did you advocate filling it up?—A. I think a year or two ago.
- Q. Have you ever written anything in regard to filling it up?—A. I never did.
- Q. Did you state to the canal commissioners last year that you were in favor of filling it up?—A. I do not think I was ever called before them.
- Q. Did not you state to the mayor that you were in favor of cleaning it out?—A. Mr. Bowen, when mayor, called my attention to the canal, and asked me if it could not be sewered. I told him I thought it could. I was in favor of having a good substantial sewer made of it, if it could be done, to carry off the sewage of the city.
- Q. Did you dredge the James Creek Canal under the Government?—A. I did.
- Q. Did you do it with a dredging-machine?—A. I did.
- Q. You stated to the committee that it cost about 42 cents a yard?—A. I think it was all of that.
- Q. Have you ever stated to any one that it did not cost over 7 cents a yard for what was taken out by the dredging machine?—A. I said you could pick up a dipper of mud and throw it around for 7 cents a yard; but I did not say you could handle that in the way that it was handled at such a price.
- Q. Have you any record of the work done?—A. No, sir; I was keeping some watch there; the commanding officer asked me to see to it. I went to work on three different occasions, and I found it cost about 50 cents a yard by the machine.
- Q. Is not the James Creek Canal as likely to fill up as the old canal?—A. No, sir. There will not be so much sewage emptying into it, and the surface drainage will not be so great.
- Q. Will not all this amount of earth that you speak of as coming down the Tiber fill it up?—A. If you arch the Tiber and put a bottom to it, then there is nothing to come down. Heretofore it was the banks of the Tiber that have been caving in during freshets that have filled the canal.
- Q. Is there not a vast amount that will come down from above?—A. No, sir; very little.
- Q. Is it prudent to close up the canal before there is another means provided for carrying off the water?—A. There should be some provision to keep the sewerage open.
- Q. In your judgment, will this arch beyond the botanic gardens, where that short curve comes in, be sufficient to carry off all the water that comes down the Tiber during a heavy freshet?—A. The Tiber will have nothing to do with that. I think we should have an outlet leading into the Eastern Branch.
- Q. Would it not have been better to commence at the upper end, and divert the water there first, and then build according to the amount of water to be provided for?—A. I do not know but that might have been my course.
- Q. Do you not think that after this is arched over, if there should be a freshet as heavy as the one we had two years ago last July, that the whole thing will burst up?—A. No, sir. I only want to see the arch carried down further, to Virginia avenue.
- Q. What is your present occupation?—A. I am not doing anything of much consequence just now.
- Q. Are you engaged in contracting under the Government?—A. No, sir; I have not had a contract for three or four years.
- Q. Is not your son doing a good deal under contract?—A. No, sir; the gentlemen of that name who has a contract is not my son.
- Q. Are you now driving piles to put a bridge there?—A. Yes, sir.
- Q. What salary do you receive?—A. I am getting pretty good pay, about \$3 a day.
- Q. Have you been there all winter?—A. No, sir.
- Q. Have you been drawing pay during the winter?—A. I do not think so.

WASHINGTON, D. C., *April 15, 1872.*

THOMAS J. GALT sworn and examined.

By Mr. CRANE:

Question. I wish to ask if you have been acting as superintendent of any of the public works of the district?—Answer. I commenced in October, and ever since that time have been superintending the work at Tiber Creek, but nothing else.

Q. Has that work been going on all the time?—A. Yes, sir; some portion of it. Some of the time we have only been engaged in putting in the bottom, but the work has been going on all winter.

By Mr. ELDRIDGE:

Q. Have you watched very carefully, and have you been there all the time?—A. I have been there all the time, and have watched it very carefully.

Q. Are there any defects in it?—A. None; the contractors have been unusually careful in the manner of doing their work, more so than contractors often are.

Q. Are you the chief superintendent?—A. Yes, sir.

Q. And you have been there all the time, for the purpose of seeing that the work was

well done?—A. Yes, sir; I am a practical mechanic, and I started this work with my own hands; I laid the first stone and the first brick, and have been on the work all the time since it commenced.

WASHINGTON, April 15, 1872.

J. V. W. VANDERBURG recalled and examined,

By Mr. CHANDLER:

Question. Can you state how early you began to cut down Eighteenth street?—Answer. Somewhere about the 15th or 20th of May.

Q. You may state the condition of Eighteenth and Nineteenth streets during, say, the last week in June.—A. Nineteenth street had not been touched in June. We commenced work on that street the 26th day of July, I believe.

Q. Are you certain of the date?—A. I think the date of the order of the board of public works to stop work throughout the city, in consequence of the injunction, was the 25th of July. I received that order the next morning at 9 o'clock, and discontinued work.

Q. What had you then done on Eighteenth and Nineteenth streets?—A. I had just commenced plowing on Nineteenth street. I had not removed any of the general surface. Eighteenth street was pretty well cut down.

By Mr. ELDRIDGE:

Q. Are you positive about that?—A. Yes, sir; I am very positive.

Q. How did you get at this date?—A. I know the morning that we knocked off in consequence of that order; we had just commenced plowing on Nineteenth street.

Q. Have you any memorandum in regard to it?—A. I recollect the occurrence distinctly. Besides that we never had any grade on Nineteenth street until some time in September; and as I said, we had only commenced plowing. We resumed work after the injunction was removed, about the 15th of August.

Q. What was the condition of Nineteenth street at that time?—A. It was not cut at all, except at the crossing of F street. F street was cut down there about two feet, and we sloped the bank off, so as not to interrupt the travel on Nineteenth street.

Q. Had you cut Eighteenth street off from F when the injunction took place?—A. Yes, sir; we cut both ways on F and Eighteenth streets about the same time.

Q. Did you cut both ways at once, on F and Nineteenth streets, after you resumed work in August?—A. We cut below F and above F on Nineteenth street, reducing the whole grade so as to give a chance to haul out on Nineteenth street. Before we discontinued work, and until the middle of August, as I have stated, the only work done on Nineteenth street was about three or four hours' plowing.

By Mr. CHANDLER:

Q. Have you read the statement of Mr. Coombs in reference to his visit to Nineteenth street?—A. Yes, sir.

Q. Do you think he is correct or mistaken in regard to his description of Nineteenth street at that time?—A. I think his description has reference to Eighteenth street, and that he is mistaken in applying it to Nineteenth street. Eighteenth street was at that time pretty well done, probably reduced about four or five feet.

Q. Then Mr. Coombs's statement, that he found Nineteenth street and F street cut down, about the same time, is an error?—A. It is.

By Mr. CRANE:

Q. You say you stopped work in June, under an order of the board, and did not commence again until the 15th of August; did the board issue an order when you commenced work again?—A. I am not positive whether it was a written order. I think Mr. Forsyth gave me an order to go to work again.

Q. Was not the reason you stopped work in consequence of the men striking for higher wages?—A. That strike was the first day of June, I am pretty certain, and I resumed on the 15th.

Q. I noticed you were only sixteen days in cutting from F street, from Seventeenth and Eighteenth streets, and that you were seventy-two days in cutting from Eighteenth to Nineteenth, you do not explain that?—A. O, no. I commenced cutting Eighteenth and F streets at the same time, the 1st day of May.

Q. And you say you had not commenced on Nineteenth street the 26th of July; that would make seventy two days, would it not?—A. We cut Eighteenth street down the whole distance, and then cut F street up to Nineteenth before we touched Nineteenth street at all.

Q. When you were before the committee on a former occasion, Mr. Riddle requested you to hunt up the auditor's order and bring it here; have you ever found it?—A. No. I took it for granted you would send to the auditor for it.

Q. When you went to work on F street did you expect to be limited to the appropriation?—A. I did not make any calculation about that at all. I expected to do whatever was required to be done by the engineer.

Q. Did you ever see the plan for doing that work?—A. Never; I have not seen it.

Q. When did you first receive an order from Mr. Forsyth to cut down F street?—A. I do not recollect exactly the date; about the time we commenced; I presume, about the 1st of May. It was some little time after that before I could put any force on.

Q. Who did you understand the order came from to cut down F street, from the mayor or board of public works?—A. I do not know. I never asked the question.

WASHINGTON, D. C., April 15, 1872.

BENJAMIN F. SHAW sworn and examined.

By Mr. CHANDLER:

Question. Where do you reside and what is your business?—Answer. I am a clerk in the firm of Gulick & Brother.

Q. I have been requested by Mr. Gulick to ask you the following questions: Do you know Samuel Fowler?—A. I know the gentleman by sight.

Q. State whether or not he ever called to see Mr. Gulick at any time in the month of September; and, if so, when?—A. He called early in the fall. I think it was September.

Q. Did he call more than once?—A. He called twice, if not three times.

Q. What took place when he called?—A. He left a note for Mr. Gulick, stating that he wished to see him, which he told me to hand to Mr. Gulick. I laid it on his desk and called Mr. Gulick's attention to it, and he read it.

Q. Did he, in addition to the note, state orally that he wanted Mr. Gulick to go to see him?—A. He did, and I so stated to Mr. Gulick.

WASHINGTON, April 15, 1872.

THOMAS E. BEAN sworn and examined.

By Mr. CHANDLER:

Question. State your residence and occupation.—Answer. I am a butcher, and occupy stall No. 75 Centre Market. My residence is on Third street east and L street south.

Q. State whether you occupy the same slaughter-house with Mr. Carroll?—A. I do.

Q. State whether you see the cattle that are slaughtered by him?—A. I do not see them all. I see a good many.

Q. What is the character of the beef he cuts up?—A. It is very good.

Q. State whether you see the meat he cuts up which he furnishes to the poor-house?—A. I saw some cut up.

Q. State the character of the meat you saw cut up for the poor-house.—A. It was good prime meat.

Q. Did you ever see any poor, inferior meat cut up for the almshouse.—A. No.

Q. How do you know the meat you saw being cut up was for the poor-house?—A. I saw his boys cutting up some meat; I asked them what they were going to do with it, and they informed me it was for the poor-house.

By Mr. CRANE:

Q. Do you know what Mr. Carroll does with his neck-bones and shin-bones?—A. I know nothing about it.

Q. You do not know whether they go to the almshouse or not?—A. No, sir.

Q. What do you mean by good prime beef?—A. I mean good prime beef—rounds and *bouiller*.

Q. That is not the best beef, is it?—A. I consider the *bouiller* as good as any in the animal.

Q. As good as "porter-house"?—A. Yes, sir; it is just as good for a roast as the best tender-loin.

Q. Does it sell for as much in the market?—A. No, sir.

Q. It is the part that comes near the tail?—A. Yes.

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Q. State whether you occupy the same slaughter-house with Mr. Carroll?—A. I do.

Q. State whether you see the cattle that are slaughtered by him?—A. I do not see them all. I see a good many.

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Q. You do not know whether they go to the almshouse or not?—A. No, sir.

Q. What do you mean by good prime beef?—A. I mean good prime beef—rounds and *bouillier*.

Q. That is not the best beef, is it?—A. I consider the *bouillier* as good as any in the animal.

Q. As good as "porter-house"?—A. Yes, sir; it is just as good for a roast as the best tender-loin.

Q. Does it sell for as much in the market?—A. No, sir.

Q. It is the part that comes near the tail?—A. Yes.

Q. You are not able to state whether he sells necks or shins for the almshouse?—A. I am not.

Q. How do you know the pieces you have mentioned go there?—A. Simply because Mr. Carroll's boys told me so.

Q. Is it your opinion that he selects out the best meat for the almshouse and disposes of

the rest elsewhere?—A. I have no right to express an opinion about it; I do not see all the meat he cuts up and sends there.

Q. Did you ever ask that question, when they were cutting up meat, more than once?—A. I do not know that I did.

Q. You just asked, one day, what they were going to do with a few pieces of meat, and they said it was for the almshouse?—A. That is all.

Q. What do rounds and *bouiller* pieces sell for in the market?—A. The pieces they were cutting I would not sell for less than fifteen cents a pound.

Q. Do they not retail for less than that in the market?—A. No, sir.

WASHINGTON, April 15, 1872.

SAMUEL CROSS sworn and examined.

By Mr. CHANDLER:

Question. Where do you reside, and what is your business?—Answer. I reside at No. 500 Eleventh street southeast; I am a real estate broker, and secretary for the National Metropolitan Fire Insurance Company.

Q. State whether or not you are a member of the council of this district, appointed by the President.—A. Yes, sir.

Q. You may state with reference to the proceedings of the council upon the \$4,000,000 loan bill and other bills, whether there has been any interference with legislation with regard to the board of public works or any member thereof?—A. None in the world.

Q. State what conversation, if any, you have had, from time to time, with members of the board in reference to legislation.—A. I do not think I ever talked with the board at all in reference to any legislation of the council.

Q. State whether or not members of the board were in the habit of coming to the council?—A. I have seen members of the board in the council chamber.

Q. Have you had any conversation with them there in reference to measures of legislation?—A. No, sir.

Q. Were you or not ever urged to vote for measures that you were not inclined to vote for, whether directly or indirectly?—A. No, sir.

Q. Have you ever observed, or do you know of any attempts of the board to control the action of any of the members of the council?—A. I know of none.

Q. Do you know of anything that has transpired since the new government came into operation, calculated to affect the independence of any member of the council?—A. I do not.

Q. Have you read the testimony of Charles F. Peck before this committee? and, if so, state your opinion as to whether he is correct or not in his views upon this subject.—A. I have read his testimony, and my opinion is that he is mistaken. So far as I am concerned, no member of the board ever approached me in reference to any measure pending in the council, and I have no personal knowledge of any such approaches to any other member.

By Mr. CRANE:

Q. Is not that to be accounted for in the fact that they knew your views perfectly well, and that there was no necessity to approach you?—A. No, sir; I do not think they knew anything of the kind.

Q. Are you and Mr. Shepherd located in the same building?—A. Yes, sir.

Q. Have you observed members of the board of public works present in the council and inside of the rail on several occasions?—A. Yes, sir; I have.

Q. What do you suppose they were there for?—A. I am unable to say. I only know they never approached me in any matter of legislation.

Q. With as much as they had on their hands, would they be likely to spend so much time in the legislature if it was not for the purpose of influencing members?—A. I am unable to answer.

Q. You were one of the opponents of Mr. Bowen's administration on account of its extravagance?—A. No, sir; I never participated in any political movement except to vote; I never attended any political meeting except those held during the last campaign to make nominations in my own district.

Q. You voted for Mr. Emery?—A. I did.

Q. Was not that on account of the extravagance of Bowen?—A. No; it was more from personal considerations than anything else.

Q. Have you ever found fault with the extravagance of the present government, with their creating so many offices, and spending so much money in other ways?—A. I rather think they might govern this District with fewer offices.

Q. Have you not said that the number of offices they created was inexcusable and could not be justified?—A. No, sir; I do not know that I have.

Q. Are you of the opinion now that there are not any more offices than the public necessity

requires?—A. I must confess that at this time I am not prepared to answer that question; I do not know what is required at the present time. I visit their building very seldom.

Q. Before the \$4,000,000 loan bill came up in the legislature, did not some of the members of the board of public works, or all of them, ask you to hand in a list of the improvements you desired in your district?—A. No, sir; they did not; the only request I ever had was from Mr. Davis, the delegate in my district, who came to me to consult what improvements were required in our district.

Q. Were the improvements you named incorporated in this comprehensive system?—A. Some of them; yes, sir.

Q. Have you not stated that if you had known the extent to which they were going, you would have put in a good many more?—A. No; not to my knowledge. I am in favor of all the improvements we can have in that section, but I think we all have a very fair average for the amount of taxes we pay in the District.

Q. Is Mr. Walsh a partner of yours?—A. Yes, sir.

Q. Is he interested in contracts?—A. I think he is; he furnished money for a gentleman who has a contract. I will state that he is not in partnership with me in all kinds of business; he has nothing to do with my insurance, or with other kinds of business except real estate. We have never kept a bank account together.

Q. Is he a partner of Mr. Fitzpatrick?—A. I think he is; he furnishes him money to do his work.

WASHINGTON, D. C., *April 15, 1872.*

JOHN A. RUFF sworn and examined.

By Mr. CHANDLER:

Question. State your residence and your business.—Answer. I reside in Washington, and am treasurer of the Washington City Savings Bank.

Q. Are you also connected with the Bank of Washington?—A. No, sir.

Q. State how long you have been connected in bank business?—A. Four or five years.

Q. State whether or not you have, during the last four or five years, dealt in securities of the city of Washington, District of Columbia?—A. Yes, sir.

Q. What has been the credit of the city and of the District and the market value of their respective securities?—A. They have been considered low by strangers who have been here from abroad. Corporation stock has been selling within the time I have mentioned at about 80 cents on the dollar, and there is a small amount of 5 per cent. stock out, which has been selling at about 70 cents. One description of securities at 6 per cent. is irredeemable; that is, no time is specified for its payment. The interest of it is payable quarterly, and these securities have been selling at about 80 cents. Then there is another stock called the water stock; that is held a little higher lately, with the expectation that it will be paid. It is past due.

Q. What is the lowest you have known these 6 per cent. securities to sell for?—A. I think I have bought them as low as 78.

Q. State your opinion as to the credit of the new District government?—A. I have never seen any of its indebtedness, or very little of it, offered, and I do not know how to answer the question. One man came to me the other day to sell a bill against the fire department which he said was authorized, but the appropriation had expired. I did not purchase it. I told him we were not buying at all.

Q. State your opinion as to the sale of the \$4,000,000 loan, whether the rate realized for it was a good one?—A. From all I hear and know, I think it sold well—very much higher than the city indebtedness formerly sold. I understand that it sold for about 97, realizing about 94 in currency for the District.

Q. What has produced that change?—A. Increased confidence in the new government, I suppose.

Q. State whether or not the moneyed men, the capitalists of the city, have confidence in the new District government, and whether they are willing to invest in these securities?—A. I think they do. I think there has been an increased disposition to buy all the securities here more than for ten years past. I will state that this city has always met the interest upon its securities promptly. Its ten-year bonds were sold at one time at 80 cents, and I could now sell them for 93 cents. We have none on hand that we will sell at that price, for we expect to have them paid off soon at par.

By Mr. CRANE:

Q. What are you now paying for the old water-stock?—A. We are offering 85 cents. There is very little of it in the market.

Q. You stated that the District securities have gone up since the new government came in. What are you now paying for what are called Emery's certificates?—A. We are paying 97½ cents. I bought some at that last Saturday.

Q. What were you paying for them last May?—A. I think from 80 to 85 cents. I refused at one time some 15,000 or 20,000 at 80.

Q. Did not the first Emery certificates sell at 97½ last May?—A. I should say not from memory. I cannot say positively without looking at my books.

Q. Did you not buy some of me at that price?—A. If you state that I did, I have no doubt that I did.

Q. Are you sure that you paid less than 80 for these securities at any time?—A. I know I bought at 80 and I think for less.

Q. Did not these securities go up rapidly during Mr. Emery's administration until May?—A. They must have gone up if I bought of you at 97½ cents.

Q. Are you buying any of the District securities?—A. No; and I have never seen any offered except the bill against the fire department, which I have mentioned. I have never seen any of the new bonds.

Q. What reason do you give for not buying?—A. We have all our money invested, and, under the direction of the board, only a certain amount can be invested in that description of securities.

Q. Is not the rise in Bowen bonds, and Emery certificates, owing to the fact that they are held almost entirely by capitalists more than any other reason?—A. My opinion is, that has had a very considerable effect in advancing the price.

Q. Supposing the \$4,000,000 bonds were held by poor people all through the District, is it not your opinion that they would go down to about where the Bowen bonds ruled at the time you speak of?—A. I do not think they would, for the reason that we have a more comprehensive Government now; we have more to pay from, with Georgetown and the county included, and I think there is a more hopeful feeling. The passing of the District bill had a very stimulating effect upon our people. The fact is, that if the market is overloaded with anything, with even Government bonds, the prices will go down.

Q. Is not one reason why you do not buy District bonds that you have not confidence in the District government, on account of the great extravagance going on?—A. That has never affected my views.

By Mr. CHIPMAN:

Q. When was it that you bought Emery certificates at about 80 or 85 cents?—A. I think they were issued about two years ago, and that shortly afterward they went down to 80 or 85 cents.

By Mr. CRANE:

Q. Have you been able to get your pay for the amount you hold of the floating debt of the old government?—A. No, sir; I have been paid for all debts of \$500 and under.

Q. What reason did they give for not paying the whole?—A. I do not know; I saw an advertisement that they were ready to pay, and I tried to see Mr. Kelly, the treasurer of the sinking fund, but he was out of the city at that time.

Q. You know that \$500,000 had been borrowed, anticipating the revenue to pay that?—A. I was told so the other day; I did not know it otherwise.

By Mr. CHANDLER:

Q. State whether, as a matter of fact, there are any securities of the new District government for sale in the Washington market?—A. I have never heard of any except the single item I have mentioned, and I do not know that you could call that a District security.

Q. Then the only way you can test the real credit of the new government is by the price the old securities are held in the market?—A. Yes, sir.

By Mr. ELDRIDGE:

Q. What would be the effect, in your opinion, of changing this government back to the old system?—A. I think it would be very bad.

Q. You would not be in favor of that?—A. No, sir; I was in favor of the new government from the start.

By Mr. CRANE:

Q. Do you know of any one who is in favor of changing back to the old system?—A. Not of my personal knowledge.

By Mr. CHIPMAN:

Q. What is the general sentiment and feeling, so far as you have observed; do they accord with the opinion you have just expressed with regard to retaining the present form of government?—A. I think so.

By Mr. CRANE:

Q. Do you mean to say that you prefer the present form of government just as it is?—A. I prefer it as it is to that we had before.

Q. But you would prefer something better than we have now?—A. Certainly; everything we have is subject to improvement.

WASHINGTON, D. C., *April 17, 1872.*

R. B. FERGUSON sworn and examined.

To Mr. CHANDLER:

I am an apothecary, doing business at the corner of First street east and Pennsylvania avenue. I know Mr. G. F. Gulick very well. I meet him nearly every day.

Question. Did you ever have any conversation with him in relation to attempts to influence his vote on the northern market question?—Answer. I have heard Mr. Gulick state frequently, both in public and private, in the months of October and November last, that large offers had been made to him, in money and in property, to influence his vote in favor of the Corcoran square property.

Q. He made no secret of those suggestions?—A. No, sir; I have heard him state it frequently in his counting-room and elsewhere.

By Mr. CRANE:

Q. Has Mr. Gulick any interest with you in the apothecary business?—A. No, sir.

Q. Is he a friend of yours?—A. He is.

Q. Do you supply the almshouse with drugs?—A. I do.

Q. Have you a contract for it?—A. No, sir. They purchase from me in open market, perhaps because they suppose they can get drugs as cheap and good from me as they could elsewhere.

Q. Did you bid, last summer, for furnishing drugs to the almshouse?—A. I did.

Q. Do you know why the contract was not awarded to the lowest bidder?—A. I do not.

Q. Are you charging any more for medicines than the rates mentioned in your bid?—A. I do not know that I am. I am not regulated by the bid at all. I am charging as low as medicines can be supplied for.

Q. Did you bid any cheaper than your usual prices for medicines?—A. I did not.

Q. Who bid against you?—A. I really do not know. I heard of only one bid against me—Mr. Sayre's, I think.

Q. Was it not through Mr. Gulick's influence that you received the contract for supplying the almshouse with medicines?—A. I think not. I am not aware of it.

Q. Did not Mr. Gulick go to the governor for you to get the contract?—A. I never heard of his having done so.

Q. Did you go to the governor yourself?—A. I did not. I went to see the commissioners in regard to the matter. In former years some bidders had put in bids for some articles at merely nominal rates; and I went for the purpose of explaining my bid, and showing that it was based on a fair valuation on all the articles, and that I did not put nominal prices on anything. I believe, from all I gather, that mine was the lowest bid.

Q. Have you a copy of your bid?—A. I have not.

WASHINGTON, D. C., *April 17, 1872.*

JOHN O. EVANS recalled.

By Mr. CHANDLER:

Question. State whether you have examined the criticism made by Mr. Harkness and others on the Washington Canal contract, from pages 502 to 506 of the printed testimony.—Answer. I have looked over the testimony, and find that many of the statements are utterly absurd, particularly those made by Grant and Frederick and Harkness. I have prepared a statement, which I will read and submit as a part of my testimony. [The statement was read by witness, and is appended to his testimony.]

By Mr. CRANE:

Q. Are you aware that Captain Grant's first statement was based on the supposition that Pennsylvania avenue was to be paved up to the aqueduct bridge above Georgetown, and the second was based on the supposition the pavement was only to extend to Rock Creek?—A. Yes; I have mentioned that in my statement.

Q. He supposed the distance to be two and one-fourth miles, and it turns out that the distance is not so great?—A. I think it was all supposition on his part, and that he did not know anything about it at all.

Mr. CRANE. You are misrepresenting Captain Grant.

WITNESS. No, sir. His testimony is sworn to. He states that such are the facts, and he must have known better at the time.

Q. What difference do you make between his sworn statements in regard to what it would cost to Rock Creek?—A. I did not figure that difference. I took his two statements, and compared them.

Q. Wherein is his last statement incorrect?—A. He calculates the area between Fifteenth street and High street, Georgetown, at 9,500 yards. The actual area of Bridge street, from

Rock Creek to High street, is about 9,000 yards in round numbers. He gives the measurement for the other streets himself. I do not think they are exactly correct.

Captain Grant rose to question the witness, but objection was made by several members of the committee.

Q. What do you make the cost of the pavement from Fifteenth street to Rock Creek?—

A. I take Captain Grant's figures as to number of yards. He puts it at 11,486 yards, (although it is upwards of 12,000 yards.) The actual cost of the work was \$2.60 a square yard; supposing his statement of the number of yards to be correct, (as it is not,) the cost would be \$29,863.

Q. Are you now going on with the pavement to Rock Creek?—A. No, sir; not beyond Eighteenth street.

Q. Are you certain that the work on the avenue is done according to the specifications and contract?—A. I think it is done strictly in accordance with the specifications.

Q. Have you the specifications here?—A. No, sir.

Q. Do you know the depth of pavement which the specifications call for?—A. I do not recollect exactly. I do not know that they specify the exact depth; but I can tell you about the depth. There is about 6 inches of stone before the top coats are put on. The average depth of topping is 4 inches. We roll it with a 15-ton roller, which settles it a good deal.

Q. What is the depth of the stone base after it is rolled?—A. I suppose about 5 inches.

Q. How much concrete is put on top of that?—A. A coat of 2 inches, which we call a "binder," is put on top of that, and 2 inches topping on that.

Q. That would make 9 inches?—A. It makes 10 inches before it is rolled. It is probably compressed to an average of 8 inches.

Q. Do you now say that the pavement between Fifteenth and Eighteenth street is 10 inches in depth?—A. No; I do not say so. I think it is about an average of 8 inches, after it is rolled. We put in material to the depth of 10 inches, and, after it is rolled, it will average 8 inches in thickness all the way, I think.

By Mr. HARMER:

Q. Is the pavement of uniform depth the whole width of the street; or is it greater in the center than at the sides?—A. It is of about uniform depth from curb to curb. Sometimes they do not get it out quite as much at the curb as they wish. Sometimes it is thicker at the curb; but it is intended to be of uniform depth.

By Mr. CRANE:

Q. Would Captain Grant's figures be correct, supposing the distance was as he stated?—A. That is not a supposable case.

Q. Are his figures incorrect?—A. I would not attempt to follow Captain Grant's calculation. I would not like to say whether they are or not. His premises are wrong.

Captain Grant attempted to interfere with the statement of the witness, which he deemed as a reflection upon himself, but the chairman prohibited his doing so.

Q. Do you say that this work is being done according to the contract, and that it will stand?—A. I hope it will. I have to keep it in repair for three years.

Q. How do you account for its being worn in holes?—A. I account for it, as I said before, by the use of some improper material in some spots, and for its being burned. I went over that whole thing the other day, and I have nothing to add to it.

Q. Was there a superintendent on the work employed by the board of public works?—A. I think there is one there now. I do not know whether there was one there all the time. I tried to do the work well. I should not have done it better if there had been a dozen superintendents there.

By Mr. HARMER:

Q. Do you intend to remedy these defects?—A. Yes, sir; they are all at my own risk and cost.

By Mr. ROOSEVELT:

Q. Has the work been accepted?—A. No, sir.

Q. Have you been paid for it?—A. No, sir.

By Mr. CRANE:

Q. How much have you been paid on account of the Pennsylvania avenue contract?—

A. On the two contracts, I have been paid in the neighborhood of \$50,000. The whole work amounts to over \$70,000. The work on Seventeenth street, and from Fifteenth to Eighteenth, are separate contracts.

Q. I understood you to say that the work had not been accepted by the board of public works?—A. I say so.

Q. How, then, does it happen that you have been paid \$50,000?—A. The contracts provide for payment on account.

Q. Before the work is inspected?—A. I do not know that it is before inspection. The work is inspected as it progresses.

Q. Does not the contract require the work to be inspected and approved before money is paid on it?—A. I do not recollect whether there is such a clause or not.

Q. What is the amount of all the work that you are doing for the corporation?—A. I think about \$70,000 odd for these two contracts.

Q. Are they everything that you have?—A. They are everything that I now have.

Q. What bonds did you give for the faithful performance of the work?—A. Twenty thousand dollars, I presume. It may not be over \$10,000 or \$15,000.

Q. Is there any one on your bond?—A. I am not certain about that. I do not think that it would be any better if there was.

Q. Does not the contract require the bond to be signed by others besides yourself?—A. I do not think it does.

Q. The contract itself requires you to keep it in repair without any bond?—A. I believe it does.

Q. Then what is the use in having the bond?—A. In my case, I do not think that it is any benefit. I think I am perfectly good to fulfill my contract. I have always done so.

Q. You think there is no possibility of your meeting with losses sufficient to make you unable to fulfill your contracts?—A. I do not think there is. I do not intend to consider any such contingency at all.

Q. You say that you did the work on the canal according to the specifications?—A. As nearly as practicable.

Q. Do you mean to say that the piles are put down to the depth required by the contract and specifications?—A. Yes, sir.

Q. Did you not substitute iron rods for wooden beams?—A. Yes; and I think it was an improvement.

Mr. Eldridge and other members of the committee objected to further questioning in reference to the work on the canal, it being conceded on all sides that the work was useless, and would be so even if done according to the specifications.

After considerable discussion the objection was sustained by the unanimous vote of the committee.

Q. Have you ever had any difficulty or trouble with the Navy Department, growing out of your contracts for work at Annapolis?

The chairman excluded the question.

WITNESS. I never had any difficulty with the Navy Department. I never had a contract which I did not fulfill.

The following is the statement read, and the letter referred to by the witness:

With regard to quantity of dredging, as computed by experts, Grant and Frederick, their figures, when they estimate the work done at one-fifth the amount called for under original and amended contracts, are only equaled by the statement of the same expert Grant, as given in his testimony, to be found on page 109 of printed testimony, where he estimated the concrete pavement on Pennsylvania avenue, between Fifteenth street and High street, Georgetown, at 160,345 square yards; and his other estimate, to be found on page 507, where he estimates the same work between Seventeenth street and Rock Creek at 44,333 square yards.

Add to this estimate the number of yards between Fifteenth and Seventeenth streets, (as sworn to by same witness, page 507,) 11,486 square yards, and the actual area of Bridge street, from Rock Creek to High street, 9,000 square yards, making in all 64,819 square yards, a slight difference in calculation (as sworn to between pages 109 and 507) of 95,526 square yards, or \$305,683.20, calculated at \$3.20 per square yard, the contract price for the work.

Expert Frederick's figures on concrete pavements, and particularly on canal work, are quite as absurd when contrasted with the facts. He estimates the work done between Fifteenth and Seventeenth streets to cost \$8,844.22, and profit \$27,910, while the cost of grading and preparing roadway, before the pavement was laid, was more than his calculation for the entire work. The actual cost of this work was \$2.60 per square yard, or \$29,863.60 for 11,486 square yards, showing for profit \$6,891.60. From this amount the cost of maintaining and keeping the road in repair for three years, as contract requires, must be deducted.

Attention is called to these contradictory figures to show the animus of the experts engaged to make them; and their absurdity is only equaled by the effrontery of the men who can, at different times, vary them to suit the occasion.

All work done by us on the canal was done, as nearly as practicable, according to the plans and specifications furnished, and we are justly and fairly entitled to the claim made by us for extra work and time lost, as stated in letter to Mr. Mullett, dated April 6, 1872, a copy of which is herewith submitted.

These claims were often urgently made verbally to Mr. Mullett, and the engineers who had the settlement of the account, but were not considered.

We think the case has been unfairly closed against us by the engineers making the estimate, and we are ready at any time for a re-opening of the same,

JOHN O. EVANS.

WASHINGTON, D. C., April 6, 1872.

SIR: Having noticed your testimony referring to the work done by us on the Washington City Canal, and particularly where you state the work has *not* been done in accordance with

the contract, we have to say in reply that, in making the estimates, we were willing to agree to any fair deduction for what has not been done in strict accordance with specifications; provided allowances were made for such materials and labor as we have expended in excess of work required under the same.

We beg leave to call attention to the following account of allowances of this character, which we can fairly claim and enforce, in case the matter had been referred to a legal tribunal for settlement. You will see that the specifications call for piles to average 16 feet in length. In driving the first pile we found that this portion of General Michler's plan was entirely defective, as piles of the length called for would not do for any part of the foundation. Under instructions from the superintendent in charge, we increased the length of all the piles 8 feet, making them average more than 24 feet in length.

The same defect in the plan was discovered in piles for the train-walls; 16 feet length would not answer in any place, and we were ordered by the superintendent to increase the length an average of 10 feet, making them 26 feet long, and to drive a row of piles back of the wooden train-wall, in order to tie the front row, as the log laid on the mud—as shown in the drawing and plan for same—would not strengthen the front row. In this particular, General Michler's plan for the train-wall was radically defective, as we found in practice that the back log, when soft mud or slush was thrown upon it, would rise and loosen the ties, and, instead of strengthening the front, rather tended to push it out. We also found that the wooden ties, 10 inches in diameter, presented so large a surface, that when a dipper-full of mud was dropped upon them, many of these would break, thus destroying the tie. To remedy this, iron rods, one inch in diameter, were ordered to be used for this, instead of wood. This change was made at an increased expense to us.

With regard to the difference in size of the wall from specifications, you will find that in no case do they fall short in height more than 6 inches, while in width they are fully as large as specified. Even should they vary from size specified, we only claimed to be paid for the actual quantity of stone laid in the walls at \$5 per perch, as agreed in the contract. You will find, however, upon examination, that fully 500 feet in length of the wall constructed is about $5\frac{1}{2}$ feet in height, which is 6 inches higher than plan shows.

With reference to the pile foundations not being placed low enough, you will please note that, the points of heights were given us for top of wall, and the wall was to be 5 feet in height above the plank floor, and that we have, in every case, placed the foundations within 6 inches of the point shown upon the drawings. You will also observe that neither the plan nor specification called for the top of foundation to be placed at lowest tides, as you have assumed. The intention was to place them at about such a point as the tide would cover the wood at half-flood; practically, this is all that is necessary, (as they are never dry,) and all that was designed by General Michler, as the drawings, height of wall, &c., will clearly show. Placing them at lowest tides, as claimed by you, would make the wall fully $1\frac{1}{2}$ to 2 feet more in height, or $6\frac{1}{2}$ to 7 feet, while the drawings show that the design was to have the wall but 5 feet.

With regard to the depth required in dredging, we can show to your satisfaction that in every case we have more than complied with the terms of the contract, as far as we claim the work to be finished. We do not, however, expect to be held responsible for the depth, if the work is stopped and the measurement delayed for any length of time; as you well know the fluid character of the deposit in that portion of the canal that has not been dredged, and that but a short time will elapse before the mud from the unfinished portion will fill that already dredged. From the commencement of the dredging, under the first commission, to this time, we have been subjected to expense, delays, and annoyances. Under the contract we are entitled to pay for this time lost through the default and delays of the two commissions.

On the 1st day of December, 1870, we placed in the channel, at the eastern terminus of the canal, four dredging-machines, and started operations on the day following, and continued to work until the 24th of December, when we had reached the N street bridge, which was to have been removed by that time. We had previously notified the commission to have this done, but it was not finally removed until the 16th day of January, 1871; then only by the assistance of one of our machines, the others lying entirely idle. No allowance was made for time lost, nor for the time when the machine assisted in the removal of said bridge. We then worked uninterruptedly for about three weeks, when it became necessary for the work to stop, on account of having no designated place to deposit the material then being removed, which, after ten days' stoppage, was arranged. Next we reached L street bridge, where we met with the same difficulties encountered at N street, and had here to lie still, with our whole force, for nine days; after which we worked along to New Jersey avenue, or the "brick bridge," where we found the walls to the foundation of this bridge were not far enough apart to let any of our dredges pass. After some twenty days, during which time we made daily calls on the commission, through its superintendent, to remove said walls, it was at last determined to have it done, and men were put upon the work to remove the walls; all this time our machines lying idle on account of the above-named obstructions. On the 1st day of May we received notice from the board of public works to stop all work until further orders. On the 5th of June we were directed to commence at the western end of the canal, having again lost thirty working days, with all our machinery, being at all times ready to proceed with the work. Since then we have had no delays, properly chargeable

to the board of public works, until December 21, when we were notified to discontinue the work on the western end of the canal.

We know that for the work done on the foundation and train walls we have done our best to make good a defective plan, and are in no way responsible for the failure of the work.

We claim the following extra allowances beyond actual measurements of work done as per contract and specifications, viz :

8 feet extra length on 2,000 foundation piles, 16,000 feet, at 20 cents per foot...	\$3,200 00
10 feet extra length on 500 piles in train-wall, 5,000 feet, at 20 cents per foot...	1,000 00
250 extra piles, back of train-wall, at \$5 each.....	1,250 00
57 days lost time, with men and machinery, (four machines,) under first commis- sion, at \$75 per day, each.....	17,100 00
30 days lost time under board of public works, with four machines and men, at \$75 per day, each.....	9,000 00
	31,550 00

Our figures for lost time of men and machinery may seem to you, at first glance, to be extravagant; but we are prepared to show that, during all the time we have been at work upon the canal, each machine could have earned us at least \$100 per day for each and every day lost, provided we had not been compelled, under the terms of our contract, to keep them here. We have also provided a large quantity of materials for foundations, &c., that may prove to be useless. In that case, we think any loss sustained by us should be paid.

All of this has been stated to you and your assistants repeatedly; and we now deem it our duty to place the facts in the case upon record. We do not think, from the published statements that we have seen of your testimony, you have placed the matter in as clear a light as justice to us demands.

Very respectfully, yours, &c.,

J. H. TEEMYER & CO.

A. B. MULLETT, Esq.,
Chief Engineer, &c., Washington, D. C.

WASHINGTON, D. C., April 17, 1872.

B. OERTLEY recalled.

By Mr. CHANDLER :

Question. State whether or not you have examined the various figures of Messrs. Harkness, De Main, Severson, Grant, and others, between pages 500 and 510 of the printed testimony, and, if so, whether you have prepared a statement on the subject.—Answer. I have prepared a written statement, which I will read to the committee as part of my testimony. (Witness proceeded to read the statement which is appended to his testimony, portions of it, on the subject of the work on the canal, being struck out by order of the committee, in accordance with the ruling made in the course of the cross-examination of the last witness.)

Q. Have you the old plan of the grade of F street?—A. Yes, (producing it.)

Mr. CHANDLER stated to the committee that the plan proposed was signed by Mr. Randolph Coyle, and he read the following extract from a note at the foot of the plan :

“The resolution of the corporation which referred this matter to me restricted my examination to E street, and thence south to the canal, and to the streets from Seventeenth to Nineteenth, both inclusive. The changes suggested in F street can be considered as an independent proposition. They constitute a valuable but expensive improvement, the adoption of which, though very desirable, is not indispensable to the rest of the plan. At the junction of F and Seventeenth, however, I think, the change should be insisted on.”

Q. Can you state the age of this plan?—A. There is no date to it. It was prepared while Mr. Coyle was corporation surveyor.

Q. Do you understand it to be a plan prepared by Mr. Randolph Coyle?—A. Yes; it has been filed in the surveyor's office.

Q. State the cutting indicated on the plan, at F and Seventeenth streets.—A. Three feet from these figures.

Mr. CRANE. I object to the introduction of such a document, covered all over with pencil-marks. It was stated by Mr. Shepherd, the other day, that he could tell nothing by the grade-books or grade-maps, they are marked over so many times.

Mr. CHANDLER. The older it is, and the more covered with marks it is, the better. I also put in this plan, signed by Mr. Randolph Coyle, and dated Washington, November 13, 1855.

By Mr. CHIPMAN :

Q. Are these plans on file as original plans?—A. Yes, sir; they are taken from the surveyor's office.

Q. Have they been changed by anybody in your office, that you are aware of?—A. No, sir; we never use them.

By Mr. ROOSEVELT :

Q. How do you know that this is the map prepared by Mr. Coyle ?—A. I heard so from Mr. Forsyth. There is nothing on it to show.

Q. Did you make up all the estimates of expenses for the city, generally ?—A. No, sir ; I made up some of them ; not all.

Q. What was the meaning of this deduction of 20 per cent. for cash, on these estimates ?—A. These were prepared before I had connection with the board.

Q. Did that, in your judgment, indicate the difference in the value of the old city certificates and ready money, or cash ?—A. I am not prepared to make any statement on that point.

Mr. CHANDLER read and put in evidence the indorsement of Mr. Coyle, on the profile of Seventeenth street, as follows :

“ WASHINGTON CITY, November 13, 1855.

“ SIR : I have constructed, for your information, this plan and profile of Seventeenth street west, from Pennsylvania avenue to the canal, on which I have shown the grades from the south side of New York avenue to the canal, recommended by me to the corporation several years ago ; and also, as I understand it, the grade established by an act of the corporation, passed in September last. The blue grade-line is that which I recommended. The red grade-line is that which the corporation enacted. The black line, shaded thus *//////////* shows the surface of the ground along the middle of the street, as it was when, in compliance with the special request of the corporation, I made my examination and report. There is in the city surveyor's office a map which accompanied my report, showing the adjacent streets and their grades, which will give you a more comprehensive view of the subject than can be had from this isolated plan. This, being drawn on a much larger scale, conveys a clearer idea of the particular locality. I hope it will be satisfactory to you.

“ Very respectfully, your obedient servant,

“ RANDOLPH COYLE.

“ JOHN T. TOWERS, Esq.,
“ Mayor.”

Mr. CRANE remarked that there was nothing to show that there was any act of the corporation authorizing this grade, and no evidence that the plan was signed by Randolph Coyle.

Mr. CHANDLER remarked that it came from the archives of the city.

Mr. CRANE, after inspecting the memorandum above quoted, expressed the opinion that it was in Mr. Coyle's writing.

Mr. ELDRIDGE. It comes from the archives of the office, and is proper evidence for what it is worth.

Mr. CHANDLER. I put it in for what it is worth.

Mr. CRANE, [to witness.] Is this the drawing of Tiber arch ? [handing him a diagram.]—

A. It is not the original drawing that accompanied the contract. This was prepared merely for getting the shape of the arch. The contract only required the wall to be built in accordance with the wall at the botanic garden, and they have constructed it with a skew-back.

Q. Was not the contract modified so as to conform to that plan ?—A. Not to this plan.

Q. Who submitted that ?—A. I do not know.

Q. Did it not come from your office ?—A. Yes ; but this plan never accompanied the contract.

Q. Was it not furnished to the committee as the plan by which the work was to be done ?—

A. Not that I know ; this drawing only shows the additional thickness of the wall.

Q. Did it come from your office ?—A. Yes ; it has all the signs that it came from our office.

Q. It was furnished by your office to the committee ?—A. I suppose it was.

Q. Do you not know that it was ?—A. I do not. I only can say that this is not the original plan that accompanied the contract.

By Mr. WILLIAMS :

Q. Were there not two of those plans sent—one corresponding with the contract, and this one ?—A. Yes ; there were two.

By Mr. GREEN :

Q. Is not this the new one, and the one as modified ?—A. No ; the other was the original plan on which the contract was based. Both plans were sent to the committee ; and the original one must be here.

Q. Is not this the plan as changed by Samuel Green ?—A. Yes ; so it is marked.

Q. Was not the contract modified so as to conform to this ?—A. I do not consider so, because it was not indorsed on the contract. It was a drawing as a guide to the contractor ; but I do not think that such a drawing, without further operations of the board, would have induced the contractor to introduce the skew-back.

Q. Was it not because of these changes—introducing the skew-back and the battled walls—that the price was increased from \$75 to \$102.50 per linear foot ?—A. No, sir ; it was because of the increase of the wall from 3½ to 7 feet, and that there was a half brick more put in the arch.

Q. Is the work being constructed according to this plan?—A. The thickness of the wall is; but the skew back is not.

Q. Is the work being constructed in other respects differently from this?—A. Yes; the old wall has an offset of three inches, and this one is plumb.

Q. Are the walls now being constructed battled?—A. No, sir; they are not.

By Mr. CHIPMAN:

Q. Is it necessary to have the walls battled or slanted in?—A. Yes, sir.

Q. Does that not diminish the capacity of the sewer?—A. It increases it slightly. The strength of the wall is the same. It makes no difference.

Mr. Chipman asked Captain Grant whether his report was based on this drawing.

Captain GRANT. Yes; and that is the plan that was sent here, and is so marked. There were two plans sent. The other, I think, is in my office. They were given to us. I will return the other.

Mr. ELDRIDGE. Be sure that you do so.

Captain GRANT. The other is the \$75 plan. This is the \$102.50 one.

By Mr. GREEN:

Q. What is the difference in cost per foot between constructing the work on this plan, with the skew-back and battled walls, and constructing it on the other plan?—A. The difference would be the additional cutting of the skew-back, which would amount to 3 feet, and which certainly would not cost more than 40 cents a foot, which would make \$1.20 additional per linear foot of sewer.

Q. So that the increased cost would not be more than \$1.20 per foot?—A. I do not think so. There would be three superficial feet of skew-back cutting, and that rough kind of work would be done for 40 cents a foot.

Q. Do you consider Mr. Mullett a competent engineer for the construction of these works? (Mr. Chandler objected to the question, but after some discussion he withdrew his objection.)

A. I think so.

Q. Did you ever make out any charges of incompetency and dishonesty against Mr. Mullett to be submitted to Congress?—A. No, sir. I disagreed with Mr. Mullett in the manner of his constructing public buildings, which I considered extravagant. I made a pretty strong effort against him in that line; but Mr. Mullett was sustained by Congress, and that ended my opposition to him.

Q. Did you write a book or pamphlet against Mr. Mullett, charging incompetency, dishonesty, and extravagance?

(Objected to by Mr. Poland, and objection sustained.)

Q. Do I understand you to say that your change of opinion in reference to Mr. Mullett was caused by the decision of Congress?—A. Most certainly, sir; because he has been sustained, and my views were not sustained; and that is the end of it.

The following is the statement read by the witness, with the excluded portions struck out:

I shall first apply myself to the report of Grant and Frederick, (experts,) dated March 30, 1872. They divide the whole subject-matter into eight cases.

No. 1, reported by them, has reference to the Tiber Creek sewer. It presents a detailed estimate, showing the cost to be \$80 per linear foot.

They estimate 120 cubic feet of masonry, as spandrel backing, at 69 cents, instead of measuring it for what it is, namely, solid masonry, which would be 10 cents per foot more; making an addition of \$12.

They ignore an estimate for the filling required, worth \$4 per linear foot, and they have estimated the contingencies at less than 5 per cent., when no competent engineer on such work would estimate the contingencies at less than 20 per cent.

Adding these items omitted (whether purposely or not) to their own estimate, you have a total of \$109.40, whereas the contractor received but \$102.50.

With regard to their statement that the work has not been in accordance with the contract, I have to state that the advertisement upon which the contract was awarded specified that the Tiber arch should be of the same style, dimensions, and similar in all respects to that already built by the United States Government, and it is so.

The modifications recommended by Mr. Green, and approved by the board, only increased the thickness of the wall and of the arch; but contemplated no changes, such as skew-backs, &c., in the manner of construction, as contracted for originally.

Their statement relative to the aggregate cost of this sewer is fallacious, from being based on entirely wrong premises. The plans submitted before the committee for the sewerage of this Tiber valley, with a detailed estimate prepared by G. S. Green, esq., did not reach the sum of \$400,000. Their figures in this, as in other instances, are so wild as to require no answer. As an instance, they state the distance from the north side of Pennsylvania avenue to the south side of Indiana avenue at 1,162 feet, when its measured distance is 859 feet, a difference of nearly 50 per cent., and this style of exaggeration prevails throughout.

They state, in regard to the capacity of the sewer, that they consider it too small to carry

off the water, and that they form their opinion from actual observation, and not from any mathematical calculations. The computations of Mr. Green are based upon the best formula established by the most skilful engineers, after years of patient investigation.

Case No. 2 contains statements regarding the cost of concrete pavements. They have been answered so conclusively by the witnesses as to require no further notice.

The table submitted showing the road-bed areas of eight streets and avenues is so absurdly or willfully incorrect as to stagger any one who has the slightest regard for propriety, to say nothing of the truth. For instance, they state the areas of these eight streets at 560,220 square yards, when the total area, inclusive of intersections, as shown in the table herewith submitted, is but 286,341 yards, just about one-half.

New York avenue from Fifteenth street to New Jersey avenue is put down by them at 11,000 linear feet in length, when it is really but 5,600.

Their statements in regard to the durability and worth of concrete pavements are entitled to the same consideration as their measurements, neither of them having had any experience in improved concrete pavements.

Their estimate that the paving of the principal carriage-ways of Washington will amount to from forty to fifty millions might be correct if they had the measurement thereof. The total area of streets in this city is 2,540 acres between house-lines, and if the entire area, from building-line to building-line, were paved with the most expensive pavements, at \$3.25 per yard, it would not amount to 75 per cent. of the amount stated by them.

Case No. 4 refers to the Washington canal. The amount quoted by them as having been allowed by the board for dredging is \$83,474.18. They endeavor, by implication, to put the whole of this amount upon the old contract for dredging out the old canal, whereas \$35,399 of this amount is for opening the James Creek Branch, and has no connection with the original contract, which was made by the old commission; deducting this amount, will leave the cost of the dredging done on the old canal at \$48,075.18. In addition to this, they state that the dredging done does not amount to more than one-fifth of the amount required by the original and amended contracts.

How such a statement could be made by any one professing to have any regard for figures is astounding.

The amount actually dredged, computed from the actual working time of the four dredges used and their capacity of removing earth per diem, is by far greater than the amount allowed in the settlement submitted by Mr. Mullett. This is due mainly to the delays and suspensions of the work, during which time, the work being in an entirely unfinished state, even without the protection of the old walls, the canal-bed was simply refilled and had to be dredged over again. The amount awarded falls, in my opinion, far below the amount of work done, though it was, under the circumstances, impossible to make another decision than the one made by Mr. Mullett.

The row of piles north of the wall has been put in and is connected with the front rows. The deviation from the original plan, which contemplated that the rear row of piles should first be capped with a plate 10 by 12 inches, and then cross-tied every 10 feet (or every second pile), by a lock-plate, is that the plates were omitted, and that instead of this every pile was tied to the front rows by iron rods. This change from the original design was deemed an advantage, for the following reasons: 1st, on account of the great power of buoyancy of the cross-ties and the plate, which could not be loaded; 2d, because it was found that if any of those ties were struck up by the discharge of a dipper, which it was impossible to avoid, they would be broken; and 3d, because tying every pile directly to the front rows was superior to the original design of tying every second pile only. It was also deemed an advantage to tie the rear piles lower down than the front piles, that is, giving the same an inclination.

The drawings accompanying the original contract, and General Michler's report and specifications, both forming part of the contract, show the following with regard to the height of wall. The original sectional drawings, drawn to a scale of one-eighth of an inch to the foot, show the top of the canal wall to be 5 feet above mean high-tide water, 7 feet 9 inches above mean low-water mark, and 9 feet 9 inches above lowest-water mark.

In General Michler's plan the level of the top of the wall is not changed at all. The height of the wall below said level is especially given at five feet—that is, its bottom at mean high tide. It is in reality at half-tide, which is in accordance with the practice followed at the arsenal, navy-yard, and elsewhere; the timber, being kept under water twelve out of every twenty-four hours, will not dry during the between tides, and practically remaining wet all the time.

There is no low-water line given on General Michler's plan; but the following description is indorsed on the same, viz: piles to be on average 16 feet long, driven; for outside rows, 5 feet from center to center, and rows 5 feet from centers.

With regard to the levels of the bottom of the wall, there is a discrepancy between the plans of General Michler and his report; the former, as already shown, placing the same very explicitly at mean high-water mark, the latter (see page 440) in a somewhat ambiguous manner at low water. From the estimate of cost of these walls, given by General Michler in the same report, and upon which the contract was based, I am led to believe that the real meaning was to place the bottom of the wall at the level of half-flood, (as actually done,)

because the cost of the same at this assumption, computed at the prices of the contract, coincides with the estimate of the general.

Case No. 5 refers to the grade of F and adjacent streets. The grades as now established are in conformity with the grades of the city as laid down under authority of Congress eighteen or twenty years since, and the board in carrying them into effect have simply done that which should long since have been accomplished. This whole section has been redeemed from stagnation and worthlessness by the action of the board, the health of the city improved, and no money was more judiciously expended.

Case No. 6 refers to sewers in general. This subject has been pretty thoroughly discussed and examined by the committee. The aggregate of the whole sewer system, Tiber and Slash Run sewers excluded, does not exceed one and three-fourths millions, and the entire amount needed at present will not exceed one and one-fourth millions dollars. The good quality of the work on the sewers already done has been satisfactorily attested by credible witnesses. The sewers are all laid with proper grades and under experienced superintendents, and in strict accordance with the general plan. The so-called experts complain of the unnecessary depth. It is the opinion of modern engineers and the board that sewers should be laid so as to drain the deepest cellars wherever practicable.

Case No. 8 refers to the parking of North Capitol street. As has already been stated elsewhere, this work was commenced under the contract with the old corporation of Washington, and has been continued by the same contractor. The plan of the board contemplates the inclosure of the park with a neat fence and the setting out of shrubbery for the present.

The foregoing statements, which refer more especially to the report of Messrs. Grant and Frederick, also apply to the report signed by Messrs. Harkness, Severson, and Demaine.

I cannot close, however, without referring to the testimony of Mr. Harkness, (pages 511 and 512,) relative to the old walls of the Washington Canal between Twelfth and Seventeenth streets. He substantially testifies that he built the same; that they were 12 feet high, and first-class walls, and erected on pile-foundations. It is not astonishing that a contractor who can praise his own work in such a manner should be inclined to deprecate in unmeasured terms the far superior work of another man as this witness has done. But the incorrectness of the statement surpasses anything in my experience. These very walls referred to by Mr. Harkness and built by him were ordinary dry walls; every stone of the same has been removed for the construction of the new wall, but alas! the wall, except bridge abutments, was nowhere found to be more than 6 feet high in place of 12 feet, as sworn to by witness, and the amount of material obtained from per linear foot of old wall was not half enough per linear foot of the new wall erected by Teemyer & Co., nor were any piles or pile-foundations discovered.

The wall was in all respects of the same character as that referred to in General Michler's report, (page 140, printed testimony,) in which he says the superintendent, Mr. Follansbee, reports that, owing to the want of foundations to the wall, "it is impracticable to dredge to the depth required by the contract, and that instructions have been given the contractors by Mr. Dickson not to dredge near the walls, nor to dig to a depth greater than would prove safe for the walls.

"Examination shows that the walls from N street south to Virginia avenue are all built in a very inferior and insecure manner, and that the attempt to dredge to the depth required to make the canal useful for commercial purposes would destroy them."

B. OERTLEY,
Assistant Engineer.

Road-bed areas of sundry avenues and streets, April 12, 1872.

Street or avenue.	Limits.	Length.	Width of road-bed.	Area in yards.	Area stated by Messrs. Grant and Frederick.
Sixteenth street west.....	H to boundary	6,300	50	35,000	84,000
Fifteenth street west.....	H to boundary	6,300	32	22,400	49,000
Seventeenth street west.....	Canal to boundary	8,700	40	38,666	67,666
Vermont avenue.....	I to boundary.....	6,300	50	35,000	63,000
Massachusetts avenue.....	Ninth to boundary.....	6,640	60	44,266	106,666
New York avenue.....	Fifteenth to New Jersey ave.	5,600	58	37,510	185,555
Connecticut avenue.....	H to boundary	5,400	50	33,088	60,000
Pennsylvania avenue.....	Seventeenth to Rock Creek.	4,900	70	40,411	44,333
Total.....	.....	.....	.....	286,341	560,220

* Inclusive full width of avenue between Fourteenth and Fifteenth streets.

† Length stated by Grant and Frederick as 11,000 linear feet.

‡ Inclusive of circle.

Papers presented April 17, 1872, by Mr. Chandler.

A.

Extract from "Estimated cost; &c., of carrying into effect the proposed improvements exhibited on plan ordered by the board of public works of the District of Columbia."

* * * * *

For improving Seventh-street road and constructing bridge across Piney Branch,
Seventh-street road \$25,500

A true copy:

EDWARD JOHNSON,
Chief Clerk.

B.

Statement showing the payments made to the newspapers of the District since the report of this office of January 31, 1872, per Schedule B.

Account registration and election:		
Washington Anzeiger.....	\$1,948 00	
Daily Patriot	1,201 00	
		\$3,149 00
Loan and Piedmont and Potomac Railroad acts:		
Washington Anzeiger	3,058 50	
National Republican.....	6,893 33	
		9,951 83
Legislative assembly:		
New National Era	298 50	
Daily Chronicle.....	402 00	
		700 50
District offices:		
National Republican.....		164 10
Total.....		13,965 43

This office is not informed of bills for printing and advertising outstanding. It is believed, however, that the amount, if any, is small, as the appropriations made by the legislature of the District for printing and advertising are very nearly exhausted.

GEO. E. BAKER,
Comptroller.

COMPTROLLER'S OFFICE, DISTRICT OF COLUMBIA,
Washington City, February 20, 1872.

C.

WASHINGTON, March 20, 1872.

SIR: In compliance with the request of the counsel for the District government that I should review my figures representing taxes on property in the city of Washington imposed or authorized by the legislative assembly for the present fiscal year, (to end June 30, 1872,) I respectfully submit the following details with the single remark that the estimate of the tax levy since prepared in the office of the comptroller, and placed before your committee on the 19th instant, does not apply to the present fiscal year, but to the next fiscal year, (to end June 30, 1873.)

TAXATION IMPOSED AND AUTHORIZED BY ACTS OF THE LEGISLATIVE ASSEMBLY.

1. The taxes levied on property in the city of Washington by the act of August 23, 1871, passed at the first session of the legislative assembly, (see page 109 of the acts of the first session,) are therein enumerated as follows:

For the District fund.....	\$0 70
Lighting the city.....	15
Metropolitan police.....	20

The public schools.....	\$0 60
The ten-year bonds.....	10
Total, (see foot-note)	<u>1 75</u>

2. Additional taxes are levied on the city of Washington for the payment of its indebtedness by the act of January 19, 1872, passed at the special session of the legislative assembly, (see page 18 of the acts of the special session,) as follows:

For payment of the floating debt	\$0 30
Interest on old funded debt.....	15
The seven-thirty certificates.....	25
The ten-year bonds.....	10
Total, (see foot note)	<u>80</u>

3. The act authorizing the first four-million loan, bearing interest of 7 per cent., and payable in twenty years, which the executive authorities state has been negotiated, levies an annual tax sufficient to pay the interest thereon, and for the gradual redemption of the principal. (See page 12, acts of first session.) The amount required for interest on this loan is \$280,000, which is equivalent to an assessment of $37\frac{1}{4}$ cents on each hundred dollars of the then valuation of the taxable property of the entire District, (say \$74,000,000,) and the amount required for the gradual redemption of this loan at 4 per cent. on the principal, would require \$160,000 per year, to obtain which, on the then valuation, (\$74,000,000,) I assumed would require 22 cents on every hundred dollars. The governor, an experienced banker, thinks that 3 per cent. on the principal will be sufficient to redeem this loan. If so, the accruing tax will be six cents less than my estimate.

4. The act authorizing the second four-million loan, to bear interest of 7 per cent., submitted to and sanctioned by a vote of the people, (see pages 50 and 55 of acts of first session,) levies an annual tax of \$280,000 for twenty years to pay the interest thereon, which will require an annual tax on \$74,000,000 of $37\frac{1}{4}$ cents; and to provide a sinking-fund for the redemption of the principal, (which is not provided for,) would require a tax at 4 per cent. on the principal, of 22 cents on every hundred dollars. As in the preceding case, six cents should be deducted if a tax of 3 per cent. on the principal will be sufficient to retire the loan.

5. The act authorizing an issue of bonds, bearing 6 per cent. interest, and redeemable in twenty years, for the benefit of the Piedmont Railroad, (see page 47, acts of first session,) will require for interest \$36,000, to obtain which a tax will be necessary of nearly five cents on every hundred dollars of valuation, (\$74,000,000,) and to provide a sinking-fund of \$30,000 annually for the redemption of the loan will require, at 4 per cent. on the principal, a tax of $3\frac{1}{2}$ cents. Whether this tax is to be imposed will depend on the sanction by Congress of the act of the legislature.

6. The act authorizing the issue of bonds for laying a new water-main, to the amount of \$450,000, bearing 7 per cent. interest, and payable in thirty years, (see page 18 of acts of first session,) requires for interest \$31,500, and for redemption of principal \$15,000, making \$46,500. The cost of this main is chargeable only to the cities of Washington and Georgetown, whose united assessments for this year amount to \$63,000,000. To obtain the sum necessary to meet this obligation will require $6\frac{1}{4}$ cents on every hundred dollars. It is payable out of the water-fund, but no matter from what fund paid, it is necessarily a tax on the people.

7. The act authorizing the issue of market-house bonds to the amount of \$300,000, bearing interest of 7 per cent., and payable in twenty years, (see acts of first session, page 118,) will require for interest \$21,000, and for principal \$12,000, making \$33,000. This tax falls exclusively upon the city of Washington, and on the then assessment of \$62,000,000, will be equal to $5\frac{1}{2}$ cents on every hundred dollars.

8. The act authorizing the issue of Chicago relief bonds to the amount of \$100,000, bearing 7 per cent. interest, and redeemable in five years, (see page 4, acts of special session,) requires \$20,000 to be set apart annually for the payment of the principal, and to pay the interest for the first year will require \$7,000, making together \$27,000. To obtain this sum will require a tax on \$74,000,000 of $3\frac{1}{4}$ cents.

9. The act of January 19, 1872, (see acts of special session, page 39,) directs the comptroller and auditor to allow interest at the rate of 6 per cent., commencing on the 1st of June, 1871, upon certain unsettled claims against the corporation of Washington, stated in the act as amounting to \$769,638. To pay this sum on an assessment of \$62,000,000 will be equivalent to a tax of $7\frac{1}{4}$ cents on every hundred dollars. It is made payable, however, out of "the fund of the city," and therefore I did not insert it in my estimate.

SUMMARY.

The aggregate of taxes above authorized is \$4.05 $\frac{1}{4}$ on every hundred dollars, less deductions, as follows:

In paragraph No. 1, 5 cents, because an incongruity in the act led to the collection of only 65 cents for the District fund. In No. 2, 10 cents, because it was not intended to assess more than 10 cents for the ten-year bonds, which amount is assessed in the preceding paragraph. In No. 9, $7\frac{1}{2}$ cents, because that may also be regarded as a duplicate assessment, it being made payable out of "the fund of the city." Total, $22\frac{1}{2}$ cents.

The taxes mentioned in Nos. 4 and 5 are subject to contingencies. If the governor shall not use the second four-million loan, or if it be repealed by Congress, there will be an abatement of $59\frac{1}{4}$ cents; and if Congress reject the subscription to the Piedmont Railroad, a further abatement of $8\frac{1}{2}$ cents. Total contingent, 68 cents.

If all of these abatements be obtained there will still be left an accruing tax of \$3.15 $\frac{1}{2}$ cents on every hundred dollars' valuation of property in the city of Washington. I have given the elements of my computation, so that the accuracy of my figures can be easily tested.

Very respectfully, your obedient servant,

WM. W. MOORE.

Hon. H. H. STARKWEATHER,
Chairman Committee for the District of Columbia.

D.

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Washington, April 16, 1872.

SIR: Having been present when Captain W. W. Moore made his original statement as to the rate of taxation in the District of Columbia, I have the honor, as requested by your honorable committee, to submit the following in answer thereto:

Inasmuch as the taxes for the year which terminates on the 30th June next have already been levied, the money collected, and nearly all of it disbursed, it is respectfully suggested that they can have no effect upon the question at issue.

The taxes in Washington for the current fiscal year consist of two kinds—first, those for the current, ordinary expenses, aggregating \$1.70 on each hundred dollars; secondly, those for the payment of the floating debt and the interest on the bonds, amounting to 80 cents on the hundred dollars. By a bill which recently passed the House of Representatives, and which in a few days will probably receive the sanction of the Senate, the floating debt of the old corporation, for the payment of which the 80 cents tax was levied, is to be funded and made payable within a period of thirty years. The people will thus be relieved of this onerous tax, made necessary as well by the credit of the District as by a provision of the organic act conferring upon the legislature power to raise, by special assessments, a sufficient amount to pay the indebtedness of the old corporation.

The third item of Captain Moore's statement has reference to the first four-million loan, and the interest and sinking fund pertaining thereto. These, in his opinion, will require an assessment of $59\frac{1}{4}$ cents on each hundred dollars. As will be seen by the summary hereinafter given, however, they will be provided for in the levy for the District fund, without the addition of a cent to the taxes.

Captain Moore's fourth item is in regard to the second four-million loan, which, it is well known, will not be negotiated. At the request of the authorities of the District, our Delegate in Congress has introduced a bill (which it is hoped will soon become a law) annulling the act which made provisions for this particular loan.

With respect to the fifth item, I beg to say that the act authorizing the issue of bonds for the benefit of the Piedmont Railroad Company is not yet a law, and cannot be until it shall have received the sanction of Congress. Should that sanction be given under the restrictions proposed by the Senate, some years must elapse before our people will be called upon to pay either interest or sinking fund.

Item six has reference to the \$450,000 water loan. This loan, principal and interest, is payable out of the water fund, and cannot, therefore, be properly considered a general tax. It is true that in his special pleading Captain Moore assumes that no matter from what fund it is paid, it is yet necessarily a tax on the people; but I am sure that your honorable committee will agree with me that it cannot be fairly embraced in his enumeration.

The act authorizing the issue of market-house bonds, and providing for principal and interest, referred to in item seven, has not been executed, and may not be for years. If it should ever be put into effect, the market will not only be a self-sustaining institution, but the revenues from the rent and sale of stalls will doubtless meet the interest, and within a few years retire the principal. I regret that in proof of this assertion I am unable to accompany this communication with an instructive report made by Captain Moore two or three years since, when a member of the board of aldermen of the city of Washington, in which the profitable nature of a market-house enterprise is clearly demonstrated.

SUMMARY.

It is respectfully suggested that the aggregate of taxes to be levied during the coming fiscal year is to be determined, not by mere special pleading nor the distortion of facts, but by a careful computation and analysis of the current expenses of the government of the District, including the interest on its bonded debt. The following estimate of these is submitted for the consideration of your honorable committee:

ESTIMATED EXPENDITURES.

Public schools	\$400,000
Fire department	75,000
Metropolitan police	90,000
Lighting the city with gas	70,000
Ordinary and contingent expenses of the government of the District of Columbia.	282,634
Interest and sinking fund on debt, estimated at eight millions	600,000
Contingencies	100,000
	1,617,634

ESTIMATED REVENUE.

Estimated assessment, (in round numbers,) \$90,000,000. This amount, at \$1.70 per hundred dollars, will yield	\$1,530,000
Estimated revenue from licenses	150,000
Estimated revenue from water fund	40,000
	1,720,000

The estimates of receipts and expenditures above given are based upon the experience of the past year, and are, I believe, as nearly correct as it is possible to make them. The allowance for the interest and principal of the debt (which I have placed at eight millions, and in which I have included the \$450,000 water loan) is, in my opinion, not only ample, but in excess of what will actually be required.

Permit me to say that I have endeavored to make this statement as succinct, intelligible, and accurate as possible, in order that the allegation of excessive taxation, made to the detriment of the interests of the entire community and to the injury of our credit, may be promptly met and emphatically disproved. It does seem to me that had Captain Moore, turning aside from his efforts to exhibit our local taxes in excess of their real rates, contributed his abilities toward strengthening our credit and aiding our people in their endeavors to keep pace with American progress, his action would have been more in accord with his high reputation as a citizen and a legislator.

Very respectfully submitted.

ALEX. R. SHEPHERD.

Hon. H. H. STARKWEATHER,

Chairman of the Committee for the District of Columbia, House of Representatives.

E.

Schedule of H. S. Davis's real estate.

Square.	Lot.	Square feet.	Per foot.	Value of ground.	Value of im- provements.
441	S. 22	3,200	\$0 40	\$1,280	.....
441	S. 23	3,200	40	1,280	.....
441	S. 24	3,200	40	1,280	.....
374	Of 16	630	1 10	693	.....
374	Of 17	1,750	1 10	1,925	\$2,500
377	Of 22	2,072	2 75	5,698	2,500
431	Of 1	1,250	5 00	6,250	20,000
431	Of 2	1,250	3 00	3,750	.....
431	Of 9	2,651	1 50	3,977	200
431	Of 10	775	3 00	2,325	6,000
431	Of 11	5,000	3 00	15,000	.....
569	3,4, and 5	9,000	50	4,500	.....
910	All	76,850	15	11,527	.....
911	All	78,920	17	13,416	.....
757	Of 9	5,000	25	1,250	.....
962	Of 3	5,030	7	352	.....
962	Of 4	4,500	7	315	.....
962	Of 5	5,572	7	390	.....
962	Of 6	6,050	7	423	.....
962	Of 7	6,050	7	423	.....
962	Of 8	5,572	7	390	.....
962	Of 9	4,500	7	315	.....
962	Of 10	5,030	7	352	.....
Total value of ground and improvements				77,111	31,200
				.....	108,311

OFFICE OF SUPERINTENDENT OF ASSESSMENTS AND TAXES,
Washington, D. C., April 17, 1872.

The foregoing statement exhibits the amount of property assessed in the name of H. S. Davis, esq., as it appears on the books of this office.

H. A. HALL,
Superintendent of Assessments and Taxes.

F.

Statement of assessed value of real estate lying between Pennsylvania avenue and the Potomac River west of Seventeenth street west.

Square.	Assessed value of ground.	Assessed value of improvements.	Square.	Assessed value of ground.	Assessed value of improvements.
1	\$19,602	\$7,000	75	\$68,813	\$80,450
2	17,749	3,000	77	51,121	76,900
3	1,830	3,000	79	56,482	57,100
4	19,065	51,550	80	36,413	36,050
West of 4	7,543	8,400	81	38,413	14,400
North of 4	10,010	13,300	82	1,592	600
5	25,904	21,400	83	7,093	1,200
6	6,412	1,600	84	13,773	4,150
7	2,775	1,800	87	4,801	1,750
8	24,929	120,000	East of 87	9,881	1,200
9	14,382	72,000	88	11,505	4,000
10	2,338	1,200	East of 88	8,198	300
11	4,901	4,700	89	896	2,000
12	4,960	4,400	101	82,909	67,850
South of 12	8,630	1,200	102	69,748	91,400
15	29,217	21,000	103	47,897	30,700
16	35,941	23,350	104	45,467	21,050
17	13,518	3,500	South of 104	19,145	10,900
South of 17	815	200	119	65,471	76,800
18	9,011	2,600	120	71,139	65,700
19	9,258	7,800	121	50,100	66,700
20	15,081	5,050	122	35,094	38,000
21	7,336	-----	123	9,486	4,750
22	8,421	3,300	124	8,615	5,200
27	34,126	73,300	125	769	-----
28	51,554	37,400	North of 128	922	200
29	9,903	5,600	128	7,730	-----
30	11,437	7,400	129	312	-----
31	22,539	7,000	141	105,676	90,800
32	15,218	13,900	142	72,075	57,400
33	21,546	900	143	56,213	27,100
39	20,098	18,000	144	14,995	7,580
40	28,398	5,600	145	6,776	-----
41	25,412	27,200	146	2,260	-----
42	22,516	10,200	147	6,994	-----
43	8,957	1,000	148	401	-----
44	16,632	650	168	132,166	90,500
54	51,887	42,800	169	97,505	119,600
55	25,593	38,950	170	96,238	70,500
56	24,407	25,450	171	25,309	11,300
57	17,973	8,900	172	18,619	7,500
58	4,432	-----	173	14,410	3,500
59	7,400	5,450	South of 173	32,267	6,000
60	6,517	2,900			
61	10,579	200		2,247,471	1,968,080
62	4,465	2,300	Total assessment		4,215,551
63	565	500			

WASHINGTON, D. C., April 9, 1872.

I certify that the foregoing statement is correct and true, as appears on the assessment books of the District of Columbia.

H. A. HALL,
Superintendent of Assessments and Taxes.

G.

WASHINGTON, December 20, 1871.

GENTLEMEN: The undersigned having been appointed by your letter dated 13th ultimo a commission to measure the amount of work done and material furnished by the various contractors in remodeling the Columbia buildings on Four-and-a-half street, and to express our opinion as to the value of the different items, duly qualified on the 16th October, and on that day entered upon their duties, and have arduously pursued them until this date.

The papers which were submitted to us were as follows:

First. Letter and three accounts, dated September 5, 1871, and amounting to \$82,017.96, in aggregate, transmitted by H. R. Searle, architect, to Governor Cooke September 18, and marked A.

Second. Account for the entire work on the building, made in favor of J. G. Naylor, amounting to \$82,650.70 in aggregate, and purporting to be a bill in detail of that furnished the governor on the 5th or 18th September, and transmitted by H. R. Searle, architect, with a report accounting for excessive amount thereof, marked B.

Third. Accounts in detail from the various contractors and mechanics who were employed to do work, and which have been filed with the findings of your commission, the list marked C being an abstract thereof.

As the building was occupied and the business of the District was being transacted therein, we deemed it best to perform most of our labors in the evenings after the various offices were vacated, as well to avoid disturbing the occupants as to give us more freedom to scrutinize the work and investigate the accounts.

Agreeably to the instructions contained in your letter, we called on Mr. Searle, the architect employed to plan and superintend the reconstruction, and were by him shown several incomplete plans of the building as altered, and informed that these were all the records that he possessed, and that he declined to permit us to remove them from his office; he, however, informed us that we were at liberty to examine them at any time, or confer with him in regard to the work. Subsequently he furnished us with tracings of the building, showing the alterations. These plans were evidently compiled from recollection. No specifications, contracts, correspondence, or written records of any kind were found by us to exist, nor were such exhibited to us by Mr. Searle, although we made a formal request for such under date October 16, 1871. The plans submitted to us by Mr. Searle being found by us to be incomplete in very many respects, and as the statements made in his report were not borne out by facts, we determined to take the evidence offered by the building itself and compare it with the bills rendered, and thus arrive at the facts. In order to do this, as well as to do complete justice to all of the parties concerned, we took up the several accounts individually, and invited the makers of them to be present and point out such work as they had done; in some cases asking for a complete bill in detail as well. We also invited them to an expression of the value of the work, and a detail of the circumstances under which it was done, so that we could form a proper judgment of its value, and make all due allowances for the difficulties which arose in the execution of it. This being done, we, in every case, made a most accurate measurement and careful valuation of the work under consideration, for the purpose of relieving the necessities of the contractors who had finished their jobs, and who needed reimbursement; we rendered each bill to your honorable body with a special report thereon, as soon as the measurement and valuation was completed.

The bills examined and reported on are as follows, in the order of examination:

First. That of Mr. Fitzgerald for concrete paving, which was found virtually correct, a slight error of measuring reducing it from \$387 to \$384.

Second. Schillinger Artificial Paving-Stone Company, which, for reasons as above, was reduced from \$1,496.87 to \$1,452.69.

Third. J. C. Hogan, for awnings, amounting to \$679, found to be correct.

Fourth. W. A. Johnson, for lightning-rods. This bill, as rendered, amounted to \$350. After measuring the work we found this charge excessive, and called in Mr. Johnson, who at once disclaimed the bill, and stated that his charge as per contract was \$200, and \$19 extra, which sum, (\$219) agreeing with our measurement, was at once allowed.

Fifth. W. D. Wyville, for trimming, \$500 as rendered. This work was measured in the presence of Mr. Wyville's foreman, who represented him, and was found by us to amount to \$168.85; which sum was acquiesced in by Mr. Wyville as correct, the remainder of the bill being for stone not furnished by Mr. Wyville, and added to the bill by Mr. Naylor, and so reported by Mr. Searle, the addition having been made after it was rendered by Mr. Wyville.

Sixth. J. W. Boteler & Bro., for sundries, amounting to \$2,044.25. The articles delivered were identified by us, either individually or by receipts of delivery given by the janitor of the building; the prices were correct; some articles were returned, and a slight error in charge pointed out by Mr. Boteler to us made the account as certified \$1,848.25.

Seventh. J. W. McKnight, for furniture and carpets, &c., amounting to \$16,072.82, which was reduced by us to \$15,456.68, as per detailed bill submitted.

Eighth and Ninth. Messrs. J. Alexander and J. W. McKnight, for paper-hanging, the bill of the first amounting to \$1,918.67, the second to \$1,440.42. The first-named (Alexan-

der's) was reduced to \$1,584.23. The second (McKnight's) was reduced to \$1,027.23. The overcharges in both of these bills were made mainly for borders and moldings.

Tenth. William Simpson, for brick-work, amounting to \$5,571. A preliminary measurement of this work satisfied us that the charge was grossly exorbitant, and investigation proved that Mr. Simpson had hired R. J. Beale, a brick-layer, to conduct the work, and who had also kept the accounts. Ascertaining these facts, we called on Mr. Beale, who pointed out to us minutely all of the work that was done, and described all of the material furnished from the time of Simpson's taking charge until within a few days of its entire completion. We then called on Mr. Simpson, and went over the entire building with him, exhibiting and explaining to him Mr. Beale's statement, in which he fully concurred, and also gave us a full detail of all that he had done subsequent to Mr. Beale's connection with the work.

Mr. Beale has kept an accurate account of all expenditures for wages, hauling, &c., and of purchases made. He furnished us a copy and duplicate accounts from parties who had furnished material. As the sum of these expenditures agreed with our valuation, we called Messrs. Simpson and Beale together, and arranged the account as a time basis, giving 15 per cent. as profit on the transaction, making it satisfactory to Simpson, and reducing the bill to \$4,453.15.

Eleventh. A. H. Parry, whitewashing and kalsomining, &c., \$724.20, part of which being for the whitewashing and kalsomining; the remainder for cleaning and other labor about the building. The two first items we passed on, reducing the amount to \$161.72.

Twelfth. J. E. Peters, kalsomining, \$145.80; reduced to \$121.50.

Thirteenth. Aaron Clark, cleaning, \$125; reduced to \$30.

Fourteenth. B. West, plastering, \$3,696. As in the case of the brick-layer's bill we found this to be a gross overcharge after making a preliminary measurement. We failed, however, to induce Mr. West to point out what he had done, and were obliged to rely on the evidences of work as shown in the building, and that were necessarily induced by the alterations made. We had no difficulty whatever in recognizing and measuring the new work, and in making proper allowance for the renewal of that which came in contact with the old where partitions, &c., were altered; we also easily recognized new work on all ceilings, and allowed ample compensation for patching. This bill, as amended by us, and priced at highest jobbing rates, amounted to \$1,971.15. After our measurement was made, and the above finding submitted to your honorable body, Mr. West reconsidered his original resolve, and waited anxiously on us, desirous of showing what had been done by him. We gave him a hearing, and again went over the work and measured all that he claimed to have done, which being covered with paper, we could not of course satisfy ourselves had actually been executed, nor did his previous conduct entitle him to confidence. We therefore gave him the benefit of the doubt, and certified that he had pointed out 314½ yards which were covered with paper, and were not formerly measured by us, amounting to \$125.80, making his bill in all (if last amount was allowed) \$2,096.95.

Fifteenth. A. R. Shepherd & Brothers, for plumbing, gas-fitting, sewerage, grates, mantles, chandeliers, and furnaces, amounting to \$6,777.66, as amended by us, \$6,754.16.

Sixteenth and Seventeenth. J. Hudson and C. McMichael, the first being \$1,553.30, and the second (McNichols) being \$1,535. The measurement and valuation on both of these bills exceeded slightly the amounts charged.

Eighteenth. G. M. Wight, for furniture, \$955.50. This bill we found correct as regards the charges made; but we failed to find all of the articles named therein. Mr. Wight supplied affidavits to prove that all had been furnished, the consideration of which we left to your committee, certifying to \$792 as the amount of bill as found by us.

Nineteenth. Phoenix Iron Company, for beams, amounting to \$706.61 was correct as charged.

Twentieth. J. W. Fiske, for vault gates, \$83.83. correct as charged.

Twenty-first. Architectural Iron Works, for wrought-iron doors and shutters, and cast-iron frames and sash, \$2,985. The measurement and weighting out of this work, as well as an examination of its character, revealed the fact that the prices charged for it were exorbitant. We allowed the most liberal prices per pound for all of the work furnished by this company, and have no hesitation in saying that the same of a better quality could have been procured at less rates than those allowed by us, either in this city or in Baltimore. As amended by us the bill amounts to \$1,783.40.

Twenty-second. J. W. Mead, for iron-work, amounting to \$680, being for five counter-gates, a stairway and fitting. The charges for this work were excessive. Exactly similar gates to those furnished by Mr. Mead were offered to be delivered in Washington by a responsible Philadelphia firm for \$20 each. Mr. Mead's charge was \$50 each. We also carefully measured and weighted out the iron-work of the stairs, and made a most liberal allowance per pound for it. As amended his bill amounts to \$329.

Twenty-third. The last bill examined by us was that of Mr. J. G. Naylor, for carpenter and joiner work, which, as first rendered, amounted to \$24,979. As this bill was not specific, and as it was extremely difficult to ascertain exactly what had been done to the building by Mr. Naylor, the plans being useless for that purpose, there being no specifications, and the house being furnished and occupied, we asked Mr. Naylor to submit a proper bill in detail as to items, (which is marked E,) and also to accompany us during the measurement and

point out all of the work done by him, as well as to relate the circumstances under which it was done, and to give his opinion regarding its value. To all of these requisitions he responded promptly, and not only furnished the bill in question, but remained with us during the measurement and valuation of the entire work, aiding us to the full extent of his ability.

All of the work done by Mr. Naylor was carefully measured by us, and the values fixed after consultation with him; in general a more liberal price being allowed than that which he asked. As will be seen the amount of the bill as amended by us falls far short of his claim, being in all \$15,173.26.

We would call attention of your committee to certain discrepancies which exist in the several bills rendered by Mr. Naylor, and also to the items of the bill marked E, last rendered by him.

In the bills of September 29 and November 25, charges appear as follows :

Articles.	September 29.	November 25.
Hardware	\$1,642 49	\$988 24
Labor	9,659 51	9,078 99
Lumber	9,722 20	8,904 47
Moldings	-----	2,007 55
Hauling freight, &c	2,000 05	2,646 56

It will be perceived that the charges for hardware, labor, and lumber, are less in the bill last rendered than in that presented on the 29th of September; and also that on the 25th November a new charge is made for "moldings," amounting to \$2,007 50, in the face of the fact that no such charge was made in the first rendered bill, and of a claim which Mr. Naylor verbally made to us that all of the moldings were hand-made, and we presumed were therefore got out of the rough. Reverting to the items of the bill last rendered, we would call attention to the fact that he charges for 148,125½ M lumber, exclusive of \$2,007.05 for moldings. For hauling the lumber, the charge is \$1,512, being at the rate of, say, \$10.20 per M. As measured by us, we find in the joists, studs, flooring, counters, partitions, newspaper case, shelving, centering and scaffolding W. Co., and other carpenter-work, say 26,000 feet of lumber, for which we allow \$2.50 for hauling, the cost of transporting doors, sash, frames, &c. &c., being covered by the allowance of price. No credit is given by Mr. Naylor for the lumber &c. accruing from the alterations, and such articles and lumber were undoubtedly used in the reconstruction, but were not charged against him by us. The charge for nails is 42 kegs of 100 pounds each, being nearly two tons; 280 papers of finishing nails; 76 papers of brads; 172 gross of screw-nails, or 24,768 single screw-nails! In like manner the bill for hauling and freights amounts to \$2,646.56, which on investigation we reduce to \$779.48, making the most liberal of allowances, for quantities conveyed, and in price allowed.

Judging from the above discrepancies, and from the manner in which the bill was prepared, we infer that no actual account was kept by Mr. Naylor, but that charges were made which he supposed would be sure to cover its value; and this opinion is further strengthened by the fact that Mr. Naylor assisted in preparing the bill as rendered by us, and acquiesced in all of the prices of its various items, as well as identified, and verbally specified all of the work which he had done, and the material which he had furnished, and which when measured and valued by us, forms the fourth bill as furnished by Mr. Naylor, none of which agree as to aggregate amounts, or as to the value of items.

As regards the claim which is set up by him, and by Mr. Searle for him, for a percentage allowance on the full amount of the bills rendered, we have to say that no paper or records of any kind filed with us show that Mr. Naylor is other than the contractor for the carpentry and joinery only: the other contractors have verbally ignored him to us, and stated that they had nothing to do with him, and did not look to him for payment, but to the District. Had it appeared that Mr. Naylor was the general contractor he would have been entitled to no such profit as was additional to the trade one, indeed such a claim is entirely new in our experience of the building business. It is customary to pay a contractor a percentage when he performs work and furnishes material at prime cost, and it is also customary to pay a contractor a per diem allowance if he acts as clerk of works under the architect, and sees that other mechanics as well as his own do a full day's work, perform their labors correctly; that no delay is sustained by one tradesman awaiting the operation of another, and also that all materials are of the standard specified and required. As the work which Mr. Naylor has done was measured and valued by us at jobbing rates, as was also all other work that was done on the building, it seems absurd to us to ask that 10 per cent. should be paid as a commission over and above legitimate trade profits, and in addition to the 5 per cent. which is charged by your architect for performing these very services.

In conclusion, we would again say, that no specifications were prepared for the work, or agreements entered into with the several parties employed in doing the work, as to the actual or probable cost, nor with regard to the prices or rates which should be charged. The crudest

kind of plans seem to have been the only preparation that was made for its execution; and this in a work involving, according to the architect's certificate, an expenditure of over \$82,000 was inexcusable. As regards your architect's belief that under the adjustment of accounts which he made, "every one had tried to do the best that they could and got only a fair remuneration for their work," an examination of the several itemized accounts, their measurements and valuations, as prepared by us will, we believe, illustrate the consideration which Mr. Searle gave to this statement. We would particularly call attention to the accounts of Mr. Johnson for lightning-rods, and Mr. Simpson, for brick-work, as originally certified by Mr. Searle, and which when fairly brought to the notice of the makers were by them disclaimed, and new bills rendered, much less in amount, and affording an ample profit. We will further call attention to the accounts of Messrs West, Mead, Naylor, and the Architectural Iron Works, which were so exorbitant as to arrest instant attention prior to investigation.

We would also call attention to the fact that the bills certified to by Mr. Searle, on the 5th September, amounted in all to \$82,077.96, while that purporting to be a duplicate in detail and dated September 29, aggregates \$82,650.70.

Herewith we present a tabular statement of accounts as rendered to us, and showing also the corrected amounts as reduced after measurement and valuation, marked F.

As regards the bill rendered by Mr. Searle for his services, we would especially call attention to the fact that he charges a commission not only on the amount expended on the work, but also on the percentages which he added to the various bills in favor of J. G. Naylor, contractor, for the carpentry and joinery work. He also charges 5 per cent. on all of the furniture, sundries furnished by Boteler & Bro., and the several bills for cleaning and portage. He further presents a bill of \$50 for a survey made prior to commencing work.

Inasmuch as he prepared no drawings for the furniture, or for the goods purchased from Messrs. Boteler & Bro., all that he could with propriety charge for assisting to make these purchases would be a commission of, say, $1\frac{1}{4}$ per cent. Cleaning and portage he had nothing to do with, and therefore had no right to make any charge whatever.

As regards the charge made for surveying, the entire work having been confided to him, the cost of the preliminary survey became merged in the general commission. It seems to us that Mr. Searle is only entitled, under the most liberal interpretation of the scale of prices adopted by the New York American Institute of Architects, to 5 per cent. on the actual cost of work for which he furnished plans, specifications, detail drawings, and superintendence, and $1\frac{1}{4}$ per cent. on the amount of purchases made. We would further state that if he made an estimate to complete the work within a certain limit, the amount of his estimate would govern the extent of his commission, and that he would have no claim of commission upon extras, if such were incurred by oversight or error on his part.

In the foregoing we have endeavored to make a thoroughly dispassionate statement of this whole investigation, and in conclusion would say that Mr. Searle has shown an utter disregard for the interests of the District in the manner in which he has conducted the work; and, in support of this assertion, we again direct attention to the nature of the accounts as rendered by Mr. Searle, and will instance that of Mr. Johnson for lightning-rods:

The original claim was	\$219 00
Bill vouched for by Searle	\$350 00
Ten per cent. added for benefit of Naylor	35 00
	385 00
Searle's commission, 5 per cent	19 25
Total	404 25

It is unnecessary to make comment on the above; and this bill, although an extreme case, is not exceptional.

Very respectfully,

J. C. RANKIN,
ADOLF CLUSS,
Commissioners.

Hon. Messrs. A. B. MULLETT, JAMES A. MAGRUDER, and A. R. SHEPHERD.

WASHINGTON, D. C., April 20, 1872.

JAMES G. PAYNE sworn and examined.

By Mr. COOMBS:

Question. State how early last summer you observed the excavations on Nineteenth street north of F?—Answer. The only occasion on which my attention was called to it was

one evening that I visited Mr. Webb's house in company with yourself, to attend a meeting of the executive committee of the bar association of this District. That was prior to the 1st of July—I think about a week; we undertook to cross the first street this side of Mr. Webb's house from G street, but could not get across, and had to go back and come around by Twentieth street.

Q. Have you seen that street since?—A. No, sir; not since that evening.

Q. Was it deeply excavated?—A. So much so that after we got to Mr. Webb's house I told him he should have a ferry there. I know that this was prior to the 1st of July, because I took my family away on the 1st of July, and did not get back till the fall.

WASHINGTON, D. C., *April 20, 1872.*

W. B. WEBB recalled.

By Mr. COOMBS:

Question. State at what date that meeting was held at your house which has been referred to by the last witness?—A. June 24, 1871.

Q. Did you make a record of it?—A. Yes, sir; I made a record of the proceedings of the meeting.

Q. Was that the only meeting of the executive committee of the bar association that was ever held at your house?—A. That was the only meeting that was ever held at my house.

By Mr. ELDRIDGE:

Q. What street is that this side of your house?—A. Nineteenth; I live between Nineteenth and Twentieth.

Q. Have you any recollection yourself as to when that street was cut down?—A. I only recollect generally that the cutting of the street was commenced before July; before my family went into the country.

Q. Was there more of it cut than would make a regular grade or slant down to F street?—A. I do not recollect the amount of the cut; all I recollect is, generally, that the streets were cut up there before I went to the country. We spent the 4th of July in the country.

Q. Do you recollect whether the street was cut any more than to slant down so as to pass into F street?—A. I cannot recollect particularly.

WASHINGTON, D. C., *April 20, 1872.*

W. HEMPHILL JONES recalled.

By Mr. COOMBS:

Question. State how the account of Mr. S. P. Brown stands.

(Objected to by Mr. Eldridge and ruled out as irrelevant. All other witnesses who were called upon the same point were informed that they would not be examined.)

WASHINGTON, D. C., *April 20, 1872.*

J. A. CUSHING sworn and examined.

By Mr. CRANE:

Question. Have you read the evidence of Mr. Latta, and R. M. Hall, and others, in reference to assessment and valuation of property in this District?—Answer. I have.

Q. State whether the evidence which they gave here is in accordance with your knowledge of that matter.—A. I have given the subject some attention, and I shall have to give the answer in my own way to be understood. I should say that, in the central portions of the District, and in the eastern portions, (with the exception of a few limited localities,) the value of property has decreased. That comprises something over two-thirds of the District.

By the CHAIRMAN:

Q. What portion do you call the eastern portion?—A. I consider the central portion within a thousand feet of the Post-Office Department, and from that east I intended to include in my observations in respect to it. I think that some localities east of that have improved some in value, more by reason of the Columbia Railroad than from any cause whatever. I think that in some portions of the western part of the District the value of property has been enhanced, as in some parts of Fourteenth street, and some other places.

But take the District generally, and I should say that the appreciation would not cover the depreciation. That would be my judgment from the observations I have made.

Q. State in regard to the assessment of the property which you lease—whether it is assessed above its actual value.—A. The place where I live is assessed at \$19,600. I think it would not bring that. I hire a piece of property adjoining it, which is assessed something over \$19,000; I do not think it will bring any more than \$12,000.

Q. Have you read the statement of Mr. Shepherd and other members of the board of public works, in reference to the economy of the District government and the amount paid for salaries?—A. I have.

Q. Do you know how the salaries paid by the District government compare with those paid by the General Government?—A. My opinion is that they average 50 per cent. higher.

By Mr. CHANDLER:

Q. What is your business?—A. I am a clerk in the Post-Office Department.

Q. Did you ever buy or sell real estate in this District?—A. I have bought and sold.

Q. How much?—A. I bought one lot of land on Second street. I believe I paid something like \$2,000 for it, and I sold in about a year for something more than that.

Q. How much more?—A. I think something like \$500 more.

Q. Did you ever sell or buy any other property?—A. I have bought other property.

Q. How much property do you own in the District?—A. I cannot say that I own much. I have to pay taxes on property.

Q. How much property do you pay taxes on?—A. I pay taxes on what is valued now at \$38,600.

Q. Is any of it yours?—A. Not directly.

Q. You represent it?—A. I represent it.

Q. Have you been a real-estate broker in this city?—A. No.

Q. Have you any reason to know about real-estate transactions or the prices of real estate in this District?—A. I have examined it with great care, because I have felt great interest in the prosperity of the District. Such intelligent consideration as I could give the subject, I have given it.

Q. You have no practical knowledge?—A. No practical knowledge further than my observation has extended.

Q. Are you one of the memorialists?—A. I am.

Q. Have you not been very bitter in the denunciation of the District authorities?—A. I have felt bitter.

Q. Have you made bitter denunciation of them?—A. I think that I have, at times. I would like any gentleman of the committee, or all of them, to read what I have written.

Q. Did you accompany the committee and the memorialists the other day?—A. I did.

Q. Did you not get very excited and denunciatory that day?—A. I was excited, and I think I had good cause. I am rather excitable, perhaps too excitable, but I say this, that I have no interest which is not identical with the interest of the public in this matter. I have no sinister ends to accomplish and no vindictive feeling in the matter at all.

Q. Then what made you talk so bitterly?—A. Because I could not help it. The occasion called for it.

By Mr. CHIPMAN:

Q. Did you ever charge any member of the board of public works with fraud?—A. I do not know that I ever did.

Q. Do you make any such charge to-day? Can you point to any instance where they have been guilty of fraud?—A. I never have made the charge, nor will I make it now.

Q. You know no instance in which they have acted fraudulently?—A. I think their actions have been adverse to the interests of the District; but as to point to any fraudulent act that they have committed, I will not attempt to do it. I think that they have used the public means to promote their private ends.

Q. When and where?—A. I think they do so where the improvement of property is partial and not general.

Q. Where?—A. In the western part of the city. I will not particularize, because there are so many places.

Q. You must particularize. Name the instances.—A. I will say that the using of men employed by the District to fill up and grade private property is unjust. I think they have done it south of F street west, and I think they have done it on Meridian Hill.

Q. Your charge is that they did it with a view of enhancing their own property?—A. I believe that is it.

Q. Point to a single instance.—A. I point to instances generally. I think that the money expended on the Seventh street road would not have been expended if it had not been to promote the interest of some members of the board of public works.

Q. Why do you think so?—A. The process by which I arrive at that conclusion is known to the public as well as to myself.

Q. It is not known to the committee; please to state it.—A. One member of the board of public works, as I understand, owns a pretty large property out at the end of the Seventh street improvement.

Q. What particular facts do you base your judgment upon?—A. That so much money was expended there which has no appearance to be for the public interest.

Q. Have you been over that road?—A. I have not.

Q. Did you ever travel it before the work began?—A. Yes.

Q. What was its condition?—A. I do not think it was in a very good condition.

Q. You think that it needed improvement?—A. I think it did.

Q. Do you know the extent of the improvement now being made?—A. I have been informed.

Q. Do you base your opinion upon what you have been told by others?—A. It has been stated before this committee that there has been expended nearly \$100,000 there.

Q. Have you made up your opinion since this investigation began?—A. I have made it up from observation from the beginning of the work.

Q. You say that you do not know anything about the extent of the work on Seventh street?—A. I do not.

Q. And yet you say that the work need not to have been done to that extent if it was not for a certain fact?—A. I spoke of my belief.

Q. Have you given all the facts on which you base your belief?—A. I take that in connection with other works.

Q. Can you give any other facts from which you infer that, in regard to the Seventh street improvement, the board has acted in its own interest, and in disregard of the public interest?—A. I do not know any others.

Q. Name another instance in which you think the board of public works have decided on improvements, not for the public good, but for their private good.—A. I cannot particularize further.

Q. Do you think it is just to state to this committee that you believe they have made improvements with a view of enhancing their own property, and not with a view to the public good, and, at the same time, not to be able to state instances?—A. I speak of my belief; I never have made a statement other than as to my belief.

Q. Do you want us to believe as you believe?—A. I want you to believe only what the facts will warrant.

Q. Can you give us any facts which will warrant us in believing as you believe?—A. I started with a fact.

Q. Well, you abandoned that fact.—A. No. I say that the governor and all the members of the board of public works live in the western part of the District; and I say that more money has been expended for what they call improvements in that part of the District than in all the rest of it.

Q. Then you derive your inference from that fact?—A. From that and from observation.

Q. Do you not know that that is the most densely populated part of the city?—A. I think that the central portion of the city—making the center near the Post-Office Department, as it is—will comprehend the most densely populated portion of the city.

Mr. CHIPMAN. I will drop the subject if you say that you cannot point to any individual instance where any member of the board of public works had private interests which controlled the action of the board as against public interest.

WITNESS. I think that the Sixteenth-street cut through Meridian Hill is an instance of that kind. I see that the earth is taken from there to grade up squares of land that are unimproved. I think that that is for private interest, and not for public interest.

Q. Whose property is that?—A. I do not know.

Q. Do you hold the board of public works responsible?—A. I hold them responsible so far as they do not make the improvements for the benefit of the whole people.

Q. Have you stated all the facts that you know?—A. No, sir; it would take me hours to state all the facts, and I could not state them so as to be understood.

Mr. CHIPMAN. It could not take you hours to tell us a single instance in which you think the board has acted for the good of its individual members.—A. I have told you. I say that I believe that the improvement on F street and the surrounding street is for private and not for public ends.

Q. Does any member of the board of public works own property down there where they are filling in these low streets?—A. I do not know how much they own; I understand that Mr. Shepherd bought the skating-rink there.

Q. Do you know that any one of them owns a foot of property on these low streets?—A. I have not examined into that matter. I do them a wrong if it is not so.

Q. Would we not be doing them a wrong if we should come to your conclusion without facts?—A. Testimony has been given here that Mr. Shepherd bought the skating-rink, and I took that to be the truth.

By Mr. ELDRIDGE:

Q. Has the skating-rink been improved by these changes?—A. I do not know how much it has been improved.

Q. Have you seen the skating-rink?—A. I have not passed it; I know that the streets down there have been filled up.

Q. Do you not know that the skating-rink is full of water and that it has not been filled up?—A. I do not know the fact.

Mr. ELDRIDGE. The members of the committee were there the other day and saw it.

By Mr. CRANE:

Q. Who resides north of that deep cut you spoke about on Sixteenth street and Meridian Hill?—A. Mr. Brown lives up a little distance beyond that.

Q. How far beyond?—A. More than half a mile.

By Mr. CHIPMAN:

Q. Do you say that there should be no road cut through Sixteenth street?—A. I think there is more necessity for improvements in the center portion of the city. I do not think there is any necessity for that.

Q. Do you not know that there is no street for half a mile west of Sixteenth street by which you can pass to Meridian Hill?—A. No.

Q. Do you not know that there is no roadway until you get to Martin's Point?—A. I think so.

Q. And do you say that no street should be cut through Meridian Hill?—A. Not now. The streets should be taken care of in the more thickly settled portion of the city, where the people pay for the support of schools and pay for the improvement of their own property.

By Mr. CRANE:

Q. Did you observe any tickets at the election last fall against the \$4,000,000 loan?—

A. I went down to vote in the morning and I found no anti-loan tickets there. I asked Mr. Plowman, who was at the polls, whether I could deposit my ballot for Delegate then and afterward deposit my ballot for the loan question, and he told me I could not.

By Mr. ELDRIDGE:

Q. Did you vote for the loan?—A. I did.

Q. What are your politics?—A. Republican.

Q. Have you made any application to the board of public works to change their plans as being against your views?—I have not.

Q. Have you made any effort to convince them that they were doing wrong?—A. I have not. The property that I spoke of is on C street, between Four-and-a-half and Sixth.

WASHINGTON, D. C., April 20, 1872.

HENRY J. ALVORD sworn and examined.

To Mr. CRANE;

I reside at 471 C street northwest. My occupation is attorney for claimants. My place of business is 505 D street northwest.

Q. In what voting district is your residence?—A. In the Sixteenth.

Q. Did you observe any tickets against the four-million loan on the morning of the late election?—A. I got to the polls quite early in the morning, being interested in the success of my friend, General Hinkle, who was running for delegate. I wanted to deposit my vote early, as is my custom always. I called for an anti-improvement ticket. There were men around there with their hands full of tickets, who had plenty of improvement tickets, but none against improvement. I went to two, and I think three, of the voting precincts. They had plenty of improvement tickets lying on the window-sills; but they told me they had no anti-improvement tickets. I succeeded in getting one of those tickets and went to Mr. Polkinhorn's printing office and got a large number of them printed. I got to the polls with them between 8 and 9 o'clock in the morning. Those were the only anti-improvement tickets I saw in the Sixteenth district on that day.

Q. Did you observe any interference with voters on that day on the part of those who were interested in the voting precinct?—A. About 2 o'clock in the afternoon a colored man came from across the street with a white ticket in his hand. (The white tickets were General Hinkle's tickets and the colored tickets were Mr. McKnight's.) He came up and offered it. One of the inspectors received the ticket and held it in his hand while the clerks were examining the register. They declared that it was all right, and then a man standing inside by the window, whom I afterward ascertained to be one of Mr. McKnight's friends and agents, passed a ticket to this colored man and said: "This is the ticket you want to vote." I said: "I believe the voter has already offered a ticket, and I object to any interference." The ticket which the voter offered was laid on the ballot-box, and I should think it lay there nearly half a minute. My suspicions became a little aroused that there might be something wrong there, and I determined to watch that ticket. The voter had got half-way across the avenue toward the United States Hotel when the inspector put the ticket in the box. I then protested against that kind of interference. Said I: "I want to know how it is that you gentlemen of the board here are dictating to voters how they shall vote." One of the inspectors told me that the man was not one of the board. Said I: "What business then has he inside there?" I was told he was invited in there to have a drink of whisky.

Q. Did they invite you in to drink?—A. Yes; I was urged very hard to take a drink. I stated that I did not think it proper for anybody but the inspectors and clerks to be present.

By Mr. CHIPMAN:

Q. Who was that colored man?—A. I did not know his name.

Q. Did you give the ticket to him?—A. No, sir.

Q. Did you send it to him?—A. No, sir; I did not.

Q. Do you know what way he wanted to vote?—A. I do not think he voted either for or against the loan. I think he simply voted for delegate. He had a white ticket in his hand, which, in appearance, was a ticket for General Hinkle. That, I think, was the only ticket he voted. I think he did not vote for or against the loan.

By Mr. ELDRIDGE:

Q. What was General Hinkle's politics?—A. General Hinkle's politics were republican; but it was understood that he was not exactly in full fellowship with the board of public works.

Q. Was he an anti-loan man?—A. I rather think he was. He said he was in favor of improvements.

Q. You did not support him as an anti-loan man?—A. I would not have voted for him unless I supposed he was; but I did not know positively.

Q. What are your politics?—A. I used to be a hard-shell democrat. I was a war democrat. At the commencement of this administration they certified in writing that I was not sound on the radical goose, and they dispensed with my valuable services in the Department.

Q. They wanted you right upon the goose?—A. Yes; and I could not see it in that way.

By Mr. CHANDLER:

Q. What are your present politics? Are you for Cincinnati?—A. I am at present for Cincinnati, if Cincinnati is all right.

Q. What precinct was that?—A. The sixteenth.

Q. Did you learn the name of that person whom you saw change the ballot?—A. He did not change the ballot. He was one of Mr. McKnight's friends. I did not know his name. I succeeded in getting him hustled out.

By Mr. ELDRIDGE:

Q. Did the fact that they certified you were not right on the goose have any influence on you afterward?—A. No; not at all. I thought they were about right on that question.

Q. Do you think you were right on that question?—A. I do not think I was.

By Mr. POLAND:

Q. The vote was not changed?—A. No, sir; they put in the ballot. I stood by and watched, and was determined that they should do it.

By Mr. ELDRIDGE:

Q. Did you speak about it before they put it in?—A. No, sir; I only watched for it. I told them that all General Hinkle and his friends wanted was fair play.

Q. You were suspicious that they were going to throw that ballot away?—A. I watched it to see that it was going in.

Q. They did not know you were watching it?—A. I do not think they did.

By Mr. CHANDLER:

Q. Can you give the number of that precinct?—A. I cannot say. It was the precinct at which Benjamin F. French was one of the inspectors. It was on the south side of the avenue, between Third and Four-and-a-half streets.

By Mr. CHIPMAN:

Q. Do you know any one in that district who desired to vote against the loan, and who had not an opportunity to do so?—A. They had not an opportunity in the morning, up to 9 o'clock, when I got the tickets. A good many had voted previous to that hour.

Q. Do you know any one who desired to vote against the loan, and who had not an opportunity to do so?—A. I cannot name any one. I heard several say that they wanted to vote against the loan, but that there were no tickets.

WASHINGTON, April 22, 1872.

GEORGE W. RIGGS sworn and examined.

By Mr. GREEN:

Question. Are you familiar with the value of real estate in the city of Washington?—Answer. I do not know that I can say I am familiar with it. I have got real estate myself. I never pay attention to any but my own. I am not a dealer in real estate.

Q. Are you an owner of real estate to any considerable extent?—A. I own some real estate.

Q. Can you state to the committee at what rate your property is assessed, and what relation it bears to the former assessments?—A. The assessment is increased. I have made no specific calculations.

Q. Is it increased to any considerable amount?—A. Some of it very much. The assessment of my own property, as I examined it, was very irregular. I suppose it arose from the fact that the assessors in the various districts had different ideas as to the value of property. Some of my property was assessed far beyond its value, particularly some which I had sold within the last eight months. The property which I consider as assessed above its value was property which I had sold on time; and I should dislike to take the property back at the rate for which I sold it, and it is assessed at far beyond what I sold it for on five years time. It was sold last August and September.

By Mr. CHIPMAN:

Q. Where is that property?—A. Some in the northwest part of the city, and some in the northeast. It is but fair that I should say that when I spoke to the assessor about it, he advised me to write to the board of appeal a communication, which I did, not exactly in the form of an appeal, because I have only a collateral interest in it. I have a lien on the property. I did not appeal from the assessments on my own property.

By Mr. GREEN:

Q. Have you had occasion to observe the effect on the value of property of the improvements made by the board of public works?—A. Not particularly; I have paid no attention to property except my own. I have not time to look into other people's affairs.

Q. Do you know how it has affected the value of your own property; whether it has increased or diminished its value?—A. I suppose that in some places, where streets have been opened, the property is necessarily increased in value. I do not think that my property is increased in value at all by the general action of the board. I differ from most people in reference to the effect on property here. I think there are outside issues which people do not take into consideration.

Q. State those issues.—A. I think that among other things the effect produced by the action of Congress some years ago, in increasing the rate of interest, has brought a large amount of capital from abroad, which is invested as loans on real estate, and has kept up the value of real estate more than the action of the board has affected it. A very large amount of capital has been brought from abroad, not so much for purchasing real estate as for investments in the form of mortgages. As to my own property, the effect that it produces is rather to make me desire to sell. I had no wish to sell some years ago. I thought I should leave it to my children, but I should rather sell now. I do not know that I ought to attribute it to the board of public works. I attribute it to the increased debt of the city. I think that the increased incumbrance on property makes me more desirous to sell.

Q. Do you know how and why that increased debt has been incurred?—A. It has been done by the action of the District government, I suppose. I think the debt has increased too rapidly for a healthy state of affairs.

Q. Did you vote at the last election?—A. I did.

Q. Were you for any length of time at the polls?—A. No, sir; I had no time to spend at the polls.

Q. Had you any difficulty in obtaining ballots against the loan?—A. There were no anti-loan tickets to be had where I voted.

Q. Did you vote against the loan, or did you succeed in getting a ticket?—A. I wrote a ticket.

Q. Are you a banker?—A. I am.

Q. Are you familiar with the subject of foreign exchange?—A. Somewhat; as I deal in foreign exchange.

Q. Look at this calculation and see if it is correct, (handing to witness the following paper:)

To reduce pounds sterling to United States currency the rule is to multiply by 40 and divide by 9. Thus:

	£196,875
	40
	9) 7,875,000
Gives	\$875,00
Add premium of exchange, at 9 $\frac{1}{4}$ per cent.....	85,31
	960,31
Add gold premium, at 9 per cent.....	86,42
A \$1,000 bond produces in United States currency.....	\$1,046,73

Deduct amount realized by District treasury	\$940, 00
Gross profit on each \$1,000 bond	106, 73
Gross profit on \$4,000,000 bonds.....	426, 920, 00

A. The principle on which the calculation is made, as far as I have run over it, seems to be correct. Your reduction of sterling to par value is on the right principle. I have gone over that calculation, and it seems correct. A \$1,000 bond produces in United States currency \$1,046.73. That is the correct way to calculate it. I may as well state that par of exchange is a mere fiction. It was the old-fashioned system. I believe it arose from the fact that in former times, many years ago, when I was a boy, duties were calculated at the rate of 4s. 6d. to the dollar, which is now called par of exchange; but actual par is about 9½, so that when a quotation of 9 per cent. premium is made it is actually below par.

By Mr. ELDRIDGE:

Q. What does the 9½ represent?—A. It is what is called premium of exchange. The par, which is a mere fiction, is 4s. 6d. to the dollar, which was the old way of calculating duty, and that is still called par; whereas, actual par is the value of a sovereign at the mint, and the sovereign at the mint is worth about \$4.84. Therefore, a pound sterling is \$4.44. So you will see the necessity of adding 9½ to bring it to actual cost. Exchange is equal at about 9½. It fluctuates from 9½ till it gets to a point where coin can be shipped. If exchange was quoted at 8 per cent. premium, it would be actually so much below par that gold could be imported from England to this country. This calculation of £196 produces in coin \$875, to which Mr. Green has added the premium of exchange at 9½ per cent., (which, for a sight bill, is a very fair rate of exchange.) That produces \$960.31. Then he says: "add gold premium at 9 per cent.," (which is below the present value of gold.) The thousand dollar bond then produces in United States currency (that is Treasury notes) \$1,046.73. Then he says: "deduct amount realized by District treasury, \$940," and he makes the gross profit on each \$1,000 bond \$106.73.

By Mr. ELDRIDGE:

Q. Has that calculation any bearing on the bonds of the District that were sold?—A. I do not know what is the object.

Q. Can you see any bearing that it has upon the sale of the bonds of this city?—A. I do not know how. It shows what a \$1,000 bond, at that rate, produces in this country, at a certain rate of exchange. Mr. Green can tell the object of the calculation.

Mr. GREEN. I want to prove by Mr. Riggs that this calculation is correct.

Mr. ELDRIDGE. I cannot see the bearing of the testimony. It is not rebutting testimony.

Mr. GREEN. It is rebutting. I requested the governor to furnish the committee with a statement of what a \$1,000 bond would produce.

Mr. ELDRIDGE. The whole testimony goes to show that the bonds of the District were sold in New York at a fixed price, and not that they were sold by an agent of the Government in London. (To witness.) Would it have any bearing on this case?

The WITNESS. No, sir; the profit would be made by the purchaser.

By Mr. GREEN:

Q. Have you any objection to state the amount of the taxes that you pay here?—A. I do not know; I have not added them up. I had occasion some time ago to add up what I paid between July, 1870, and July, 1871, and I paid between \$19,000 and \$20,000. That includes improvement taxes.

By Mr. ELDRIDGE:

Q. Have you looked into the question, so that you can inform the committee, whether your assessments are above the value of your property, as a whole, or not?—A. I have not as a whole. Some of my property is assessed at much below what I would be willing to sell it for, and some is assessed higher.

Q. State whether the general assessments on your property are above its cash value?—A. I should have to go into a calculation in order to answer that, because the assessment of some of the property which I have disposed of is so far above the value of the property that I would have to go through the whole.

Q. Have you any explanation that you can give us for the high assessment of that particular piece of property?—A. It was explained to me in this way, that the assessor of the district did not understand his business. That is what they told me.

Q. Who gave you this information?—A. I forget now—some one about the office there.

Q. Any member of the city government?—A. No, sir.

Q. Has the board of equalization acted on that matter?—A. No, sir. I told you that at their suggestion I submitted in writing a statement of the rate at which I sold the property and the rate at which it was assessed.

Q. Is it your opinion that the property in this city is assessed above its valuation?—A. I

do not know that it is assessed above its valuation. I call it a high assessment for this reason: that I am interested in property in other cities, and compared with those other cities the assessment here is higher than any I have ever known. I own property in the city of New York and some in Saint Louis, and the assessment here, compared with the value of the property, is much higher than the assessment in those cities.

Q. Do you know the price at which the bonds of this city are said to have been disposed of by Governor Cooke?—A. I do not; I have forgotten.

By Mr. CHANDLER:

Q. The price was from 94½ to 96½. What is your opinion as to that price?—A. My opinion is what I told Governor Cooke, that I thought it was very high.

By Mr. CHIPMAN:

Q. You thought that a good sale?—A. Yes; I thought, and still think so.

Q. What was it as compared with the valuation of indebtedness certificates of the old government?—A. Within my recollection the rate at which the debt of the city has been sold has varied from above par to 50 and 60. Of late years it was much higher. The 6 per cent. bonds were sold for 82 and 83. These are 6 per cent. in gold. I mean to say that the bonds of the present city government sold higher than the old city debt.

Q. How long back?—A. For a year or two. The stock used to sell in old times above par.

Q. How long back?—A. I have forgotten. Before the war it used to sell above par until they began to have a floating debt which injured the city credit. When I began business the corporation of Washington stock sold as low, I think as 60 odd. There was a large amount sold by the government for the Navy pension fund. I was then in business for Mr. Corcoran. We had the sale of that stock, and we began to buy all the stock that offered, and we put it above par, and it remained so for many years.

Q. Up to what time?—A. I have forgotten when it began to fall.

Q. Was it before the war that it fell?—A. Yes; I think so.

Q. Taking the average price at which the indebtedness of the city has sold since that fall and comparing it with the sale by Governor Cooke, what is your opinion of that sale?—A. What I have just told you—very high.

Q. You think the indebtedness of this city has been too rapidly increased for the healthy condition of the city?—A. Entirely so for the means of the city. I think that the community is very poor. I think that the debt has gone on faster than the people can absorb it, and faster than they can afford to pay it.

Q. Have you compared the rate of taxation in Washington with that in any other cities?—A. Not particularly with that of many cities. I pay taxes in New York and Saint Louis, and I think that in proportion to the value of the property, the taxes here are higher than in those cities, for the reason that I told you, that the assessment is so much higher.

Q. Higher than in Saint Louis?—A. I think so; because my Saint Louis property is assessed so much below what I receive as income from it.

Q. You judge the rate of taxation by the rate of rental?—A. Yes, sir; but the rate of taxation in Saint Louis is very high.

Q. Is not a good deal of your property here unimproved?—A. I have unimproved and improved property.

By the CHAIRMAN:

Q. Is your real estate in the cities of New York and Saint Louis assessed above its value?—A. In New York I think the assessment is two-thirds of the value. I think that is the principle on which they assess property there. In Saint Louis, I think it is not more than that.

Q. And you think the assessment here averages more than two-thirds of the value of the property?—A. Yes, sir; I am speaking of its cash value.

By Mr. ELDRIDGE:

Q. What is your opinion of this present government as compared with the old government of the city; which do you prefer?—A. I rather like the old best, because it was much more economical. As I have part of the expense to pay I prefer to pay a lesser sum.

Q. Were you satisfied with the improvements that were carried on by the old government?—A. I was; I think they were going on as fast as the city could stand.

Q. Would you recommend Congress now to go back to the old system by abolishing this new government?—A. If you ask me my opinion, I would state that I am in favor of the city being governed entirely by commissioners; I prefer that to any other government.

Q. We have got this government on our hands and have progressed so far. Considering all those facts, I desire to have your views as to whether you would have Congress abolish this new government and go back to the old system?—A. I do not know about going back to the old system. I would rather go to a system different from either of them.

Q. Would you think it wise for Congress to make any change in the organic act so as to

have a government different from the present one?—A. I think so. That is my personal opinion.

Q. And you would recommend what?—A. I should prefer to be governed by commissions.

Q. Commissions appointed by whom?—A. By Congress, or by the President, or by any one, so that we have no more voting in the District.

Q. You are a little opposed to voting?—A. I am. I do not want to vote. I think this should be neutral territory. I do not want any representative in Congress, either.

Q. Do you think that the people of Washington are incapable of self-government?—A. No, sir, if you speak of the people as a whole; I think that the majority of the voters here are incapable of self-government.

Q. Would you desire now to have the organic act repealed, and to stop all the improvements right where they are?—A. No, sir; I would not desire to stop improvements. I am in favor of improvements.

Q. Would you have Congress, by its power, repeal or annul this law which authorized the \$4,000,000 loan?—A. I was opposed to the \$4,000,000 loan.

Q. But taking things as they are, what would be your opinion about the propriety of Congress abolishing this District government, and repealing the law in reference to the loan? Would it leave Washington in a bad or in a good condition?—A. What I think Congress ought to do is to limit the amount to which the present government can run us in debt. I think that the present debt of the city is as much as the people can stand. I would like to have it stopped from becoming any greater. I have no objection, personally, to the people who govern us, but I should like to have the government simplified, and to have the power of taxation and to borrow money removed.

Q. What do you mean by saying that you have no objection to the people who govern you?—A. I have no personal objection to anybody. What I object to is the form of the government. I object to that form of government in a poor District like this. It is too expensive. I wish the city to be governed, as it ought to be governed, by Congress. I should like it to be governed in the cheapest way possible, by Congress.

Q. What do you mean by the remark that you have no objection to those men who are now governing this city?—A. I want to correct any supposition that I am objecting to the government on account of the persons who manage it. I do not want to go into personalities. I object to the form of government as being an expensive one.

Q. Looking over the whole field, what suggestions have you, as a man having large knowledge here and large property interests, to make in regard to the correction of the evils which you consider to exist here?—A. I never thought of making any suggestions. I do not think they would have any weight.

Mr. ELDRIDGE. They will have weight, I believe. I should certainly like to know your suggestions.

The WITNESS. Those that I have mentioned just now are the ones that strike me as most necessary—that the powers given to the government here to incumber property and to tax the people shall be limited.

Q. Would you prevent any further increase of indebtedness?—A. I certainly would. I think it is large enough now. I should rather go on the principle of paying as we went. I should rather be taxed than have the debt increased.

Q. It is said by some gentlemen who argue differently from you, that they raised \$500,000 yearly here, under the old government, for the improvement of the streets, and that that amount was nearly all wasted in filling up the mud-holes here and there, and that there were no real benefits accruing from it. Now, the idea of this expenditure of money is, that after the \$4,000,000 has been spent, \$500,000 a year will keep your streets in repair, and that you will have good streets generally. What is your opinion of that, as to whether it will be enough or not?—A. I do not know; I am not an expert in that. I should think that after the streets are paved \$500,000 a year would be a pretty liberal allowance to keep them in order; but that is a mere guess of mine.

Q. Do you think that amount will not be needed?—A. I do not know. It is a mere guess of mine.

Q. Governor Cooke gives us the idea that \$500,000 would very nearly pay the interest on the public debt and keep the streets in repair after they shall have been improved.—A. I do not think it will.

Mr. ELDRIDGE. The streets, after they have been once completed, under the plans proposed, will need very little repairs; and for the first three years they are to be kept in repair by the contractors.

The WITNESS. I do not think that that sum will be enough; but it is a mere guess of mine. An individual might do it for one-half what the city will be able to do it for. From my experience, not alone of this government particularly, but of all municipal governments, the money is so squandered that I do not think that amount will be sufficient.

Q. Is it your opinion that there is any squandering of the money here fraudulently, or is it only an unwise use of the money that you complain of?—A. Squandering, perhaps, is rather a hard word to use. I don't accuse anybody of fraud. I think that, in the hurry to do the work, the money has been spent rather imprudently.

Q. It is the unwisdom of the mode, rather than the fraudulent or squandering use of the money, that you complain of?—A. I know of no fraud.

By Mr. CHANDLER :

Q. In reference to this property which you say you sold, and which was assessed too high, do you know whether that property has been resold at an increased rate?—A. I do not know whether you can call it a sale. The person to whom I sold it swapped it away for houses, I believe, and both properties were put at too high valuation.

Q. Then he exchanged it at a greater nominal valuation?—A. O, yes; far ahead.

Q. Did that sale lead to this increased assessment?—A. I do not know. I sold, for instance, two squares of ground between Ninth and Tenth streets, squares 362 and 363; I sold them for 25 cents a foot, 10 per cent. cash, and the balance in five years, bearing interest at the rate of 7 per cent. I consider it equal to about 22½ cents cash. The valuation put on that property by the assessor is from 25 to 35 cents a foot.

Q. From 2½ to 7½ cents above what you sold it for?—A. Yes.

Q. And if it had been sold at a higher rate than that, you think that the price was exaggerated?—A. I should dislike to have to take it back at the rate at which I sold it.

Q. Perhaps you do not want it?—A. I would take it if I could get it cheap.

Q. Will you take it, and pay the full value of it?—A. What I consider the full value of it, I will.

Q. You have no knowledge of the recent sales of that property?—A. Nothing more than from what I saw in the papers, and from the fact that it was exchanged for other property.

WASHINGTON, April 20, 1872.

JOHN B. BLAKE sworn and examined.

By Mr. GREEN :

Question. State your occupation.—Answer. I am the president of the National Metropolitan Bank.

Q. Are you an old resident of this city?—A. Yes; I have lived here about sixty-five years.

Q. Are you familiar with the value of property in this city?—A. I cannot say that I am very familiar with it. I do not deal a great deal in property.

Q. Do you know anything of the assessments recently made on property, and what relations they bear to the value of the property?—A. I do not. I have not examined my own assessment at all. I was disposed to let things go without having any difficulty about them. I am not a large owner of property, but I represent quite a considerable interest in the city as trustee for various estates.

Q. How is the value of that property affected by the operations of the board of public works?—A. I cannot say that it is affected in any way whatever, unless an increase of taxes may affect it. I do not think that the property would bring any more, and I know I would not sell it for any less.

Q. Have you observed the improvements made by the board of public works?—A. Not very minutely; I have been about the city and looked at what was going on.

Q. Have you examined the work sufficiently to say whether it is done extravagantly or economically?—A. I cannot express any opinion upon that, as I am not an expert in matters of that kind.

Q. Did you vote at the last election?—A. Yes. I always make it a point to vote.

Q. Did you find any difficulty in obtaining a ticket against the loan?—A. I cannot say that I found any difficulty, but there were no such tickets there. I did not endeavor to make any great effort to get one, as I was told it was immaterial whether I voted against the loan or not; that the loan would have to be carried by a certain vote, and that whether I voted against the loan or not, so long as I did not vote for it, my vote would be counted against it. I did not examine into the matter to see whether the gentleman who told me so was right or not. The reason that I did not make any effort to get an anti-loan ticket was on account of what this gentleman told me. I thought that all the votes that were not cast in favor of the loan would be counted against it.

By Mr. CHIPMAN :

Q. The ticket that you did vote was a ticket for delegate?—A. Yes, I believe so.

Q. It had nothing to do with the loan?—A. It had nothing to do with the loan.

Q. Did you not know that the tickets for and against the loan were separate?—A. I understood so.

Q. You do not know whether this impression that you had was at all general?—A. I cannot say that it was. I met a gentleman to whom I said that there were no anti-loan tickets there, and that I did not vote. "Well," said he, "it makes no odds whether you voted or not. If you did not vote for the loan your vote will be counted against it."

Q. Do you call in question the integrity of the board of public works?—A. Not the slightest.

Q. Do you know Mr. Shepherd?—A. Intimately.

Q. How long have you known him?—A. I knew his father and mother long before he was born.

Q. Are you disposed, in any way, to question the integrity of his actions?—A. I should as soon think of questioning my own integrity.

Q. You think he is above suspicion?—A. I think so. He ought to be, from my knowledge of him.

Q. Do you consider the sale of the \$4,000,000 bonds, at 94, as a good sale?—A. I rely entirely on Mr. Riggs's opinion.

Q. You think that his opinion, in that respect, can be relied upon?—A. I should regard it as a good sale from what Mr. Riggs stated. I have heard him say so frequently before.

WASHINGTON, D. C., April 20, 1872.

W. W. GUNTON sworn and examined.

By Mr. GREEN:

Question. State your occupation.—Answer. I am president of the bank of Washington.

Q. You are an old resident here?—A. Yes. I have been living here for fifty years.

Q. Are you familiar with the value of property in this city?—A. I do not know that I am. I only judge from what it was formerly assessed for and what it is now selling at.

Q. Do you know anything about the assessments recently made?—A. Only so far as my own property is concerned.

Q. What relation does that assessment have to the value of your property?—A. I did not look at it lately myself, but my son-in-law told me that he looked over it, and that it made me \$35,000 richer than I was before the assessment was made, as compared with the old assessment. I do not know that he made a minute calculation.

By Mr. CHIPMAN:

Q. When was that old assessment made?—A. It was made only a year ago. There was a general assessment made in 1869, and they then added \$9,000 to the house I live in. I never objected to assessments, because I thought that assessors cannot describe accurately every piece of property, and I paid the tax as I always do. I was greatly surprised, the next year, to find that they had put an assessment of \$20,000 more on it.

Q. Was not the assessment of 1871, as to real estate, the same as the prior assessment? Did they not adopt the old assessment?—A. I think they did; but the assessment which we have just got now makes my property \$34,000 or \$35,000 more than it was in 1870.

Q. But the 1870 assessment was based upon the assessment of 1869?—A. The assessment that I paid on in 1870 is \$33,000 less than what they now assess me for.

Q. What relation does that assessment have to the real value of your property?—A. I should be very glad to sell all my outside lots for the assessed value. I think I would be doing a very good thing. I would sell the whole of it on Monday next if I could.

Q. Is it assessed above its cash value?—A. O, yes. I do not think I could get cash for the amount it is assessed for. I might get the amount for some of it, but as a general thing I do not think I could get anything like the amount in cash. I have made some written proposition for a reduction of the assessment, and I think it probable that it might be reduced in some instances. I have never applied for a reduction of assessment before. I have always been satisfied that no person can ascertain the value of property accurately.

Q. Is there not some irregularity in the assessments, some being above and some below the value?—A. I do not think they have reduced it much; but I have not looked over it particularly, because my eye-sight is rather bad, and I trust my business to my son-in-law. Some lots in the outskirts they have raised the assessment upon beyond what I thought right.

Q. You propose to go before the board of equalization?—A. Yes. There were a good many lots on which the assessment is not too high, but there were some on which it was so extremely high that I thought proper to mention it to the assessor to see if he would reduce it.

By Mr. GREEN:

Q. Have you had occasion to take notice of the improvements in the city?—A. Not very particularly. I have seen them; I do not think they are advantageous to the city.

Q. Have you seen enough of them to see whether they are advantageous or not?—A. Yes, sir; particularly in my own. I considered that they acted very unjustly in lowering the pavement in the avenue 6 inches, and making every store-keeper alter his store accordingly.

Colonel Magruder said that he would have it stopped, but I believe they had gone so far that he could not do it. He behaved like a gentleman in relation to it.

Q. Did you hear the opinion of Mr. Riggs as to the capacity of the city to stand the taxation now imposed upon it?—A. Yes.

Q. What is your opinion?—A. I do not think it can, because there is no chance of the money ever coming back again. It is all spent for salaries, and improving the pavement, and parking the streets, &c., which may be all very ornamental, but it is too expensive.

By Mr. CHIPMAN:

Q. Do you think that the city gets any general benefit by paving the streets?—A. I do not know; I think not. I think that Pennsylvania avenue is very much injured in business. It looks better, but people can hardly cross the street for the racing of vehicles; and I cannot get the same rent for my house now as I got before.

Q. Would you advise removing the present pavement from Pennsylvania avenue?—A. I would not advise it, but I think that the work should have been done by Congress, and not by the people. I paid \$9,000 last year for improvements.

Q. I am asking your opinion as to whether the pavement of the streets does not advantage the city generally.—A. I should say so if Congress paid for it. I should be very well satisfied then, but I am not satisfied by spending my money on paving streets that belong to the Government. The avenues and streets were given to the Government, and every alternate lot, and I think it unfair to require the rest of the property-holders to improve the streets.

Q. Then your objection is not so much to paving the streets as to have to pay for the work?—A. No, sir. If you take my money to improve your street it is like a man giving a lot away and then having to keep it in order. The origin of the government in this city has been entirely overlooked. The city was to be governed by commissions. The rest of the District retained all its private rights, but the city gave up its rights with the understanding that if Congress took half the property it would certainly pay half the taxes. That used to be the practice in a great measure.

By Mr. CHANDLER:

Q. You think there should not be any voting here at all?—A. I should rather not have any voting.

Q. What is the gross amount of your real estate?—A. I think about \$165,000.

Q. On which there has been this increased assessment of \$34,000?—A. Yes, sir.

Q. Take it as a whole, is it not worth more than the assessed value?—A. I should think not. I do not think that we could get anything like the assessed value if sold for cash.

Q. I do not mean sold by auction or at a sacrifice; but is it not as a whole worth more than the assessment?—A. No, sir; I do not think it is.

Q. You think it is worth less?—A. I do not know. As property is going on, I should rather have the assessment high than low, provided I could sell.

Q. Has the value of property increased within the last few years?—A. The assessment has increased.

Q. Has not the value increased?—A. The value will necessarily increase, for owners cannot afford to sell at less than the assessment.

Q. Is not your real estate in this city to-day worth more than it ever was?—A. I presume it may be, from the assessment; but I do not think that is any criterion. If there was anything like a panic in real estate, (and my impression is that there will be,) there will be an immense sale of property by individuals who have only got small lots.

Q. Have you any apprehension of a real estate panic in this city?—A. I have very serious apprehensions that there will be a panic in the city of Washington.

Q. Have you sold any property lately?—A. I have not sold much, but I have offered property for sale. I have made overtures to sell, but have not been able to sell. I do not think that I have sold a single lot for the last three or four years.

Q. I ask you again, is not your real estate worth more now than it ever was previous to the current year?—A. That is a question which cannot be well answered. If you were to put up all the property in the city for sale, I do not think it would bring half the value it is assessed for.

Q. As you rate your property in your own mind, is not your real estate worth more now than it ever was in any previous year?—A. I might be able to get more for it, but the money would not be worth what it was twenty years ago; so that, although you may seem richer, you are no richer in reality.

Q. Because the purchasing power of money has diminished?—A. Yes, sir.

By Mr. GREEN:

Q. Did you vote at the last election?—A. Yes.

Q. Did you vote against the loan?—A. Yes, I voted against one loan, but I had to write the ticket. I did not vote against the Piedmont Railroad, for I did not see any tickets. I voted against the \$4,000,000 loan.

Q. Did you have any difficulty in getting printed tickets?—A. I never asked for any. I wrote my own ticket before I went to the polls.

By the CHAIRMAN :

Q. Is it your usual custom to write your ticket before you go to the polls?—A. Yes, generally; because I do not often vote the whole ticket, but take the best men on both sides.

By Mr. GREEN :

Q. Did you not know that the law required the tickets to be printed?—A. Yes; I understood there were to be printed tickets, and I understood that every man who did not vote against the loan was to be counted for it.

Q. Your understanding and Dr. Blake's were directly opposite?—A. I think that I saw some account the other way, but certainly I understood that those votes which were not cast against the loan were not to be counted against it.

WASHINGTON, D. C., April 20, 1872.

JESSE B. WILSON recalled.

By Mr. CRANE :

Question. Have you read the evidence of Mr. Latta and R. M. Hall, before this committee, as to the valuation of property, and as to property sales here?—Answer. Yes, sir; I saw what was printed in the Star and Patriot. I have seen nothing beyond that.

Q. State how that evidence agrees with your observation of the sales of property recently—private sales and auction sales?—A. I am not a real-estate broker.

Q. Are you a large property owner?—A. I own some property here—a little over \$100,000 worth.

Q. State your observation in reference to the sales of property recently in the District.—A. I attended an auction some six weeks ago, I think, and the property was not sold. Before the sale I went and got the tax valuation, and in no case did the bids come up to the old tax valuation of 1869.

Q. Did you attend any other sales?—A. Not since that time.

Q. Have you bought any property yourself, recently?—A. I bought some property this year.

Q. How did the price compare with the assessment?—A. That particular piece of property brought about \$250 more than the tax valuation of 1869.

Q. How does the assessment this year compare with the assessment of last year?—A. My increased assessment this year is about 15 per cent. over that of 1869, and about 28 per cent. since 1868.

Q. Is any of your property assessed for more than its cash value?—A. I think some of it is.

By Mr. CHIPMAN :

Q. What is the assessment of your property?—A. As the books have it, it is between \$113,000 and \$114,000.

By Mr. CRANE :

Q. Have you any objection to stating whether the assessment on the Avenue House, which you own, is any more than you paid for it?—A. Yes, sir.

Q. How much more is it?—A. About \$12,000. I paid \$80,900 for the house, and it is assessed at \$93,000 or \$94,000.

By Mr. CHIPMAN :

Q. What would you take for it to-day?—A. My property is not for sale.

Q. What is that property worth?—A. The assessor put it down at \$94,000.

Q. What do you think it is worth?—A. I have not set any value upon it specially. I did not buy it to sell again. I bought it for an investment.

Q. Is it worth what it is assessed at?—A. I think it is.

Q. Is it worth more?—A. I do not know. I would not sell it. It is not for sale.

Q. Is it worth more?—A. That depends on circumstances.

Q. Do you think the assessment above its cash value?—A. I do not know. I only know that I would not sell it unless I am forced to.

Q. Do you think that if the Avenue House were put up at auction, to be sold for cash, it would bring what it is assessed at?—A. I doubt it. I do not think that anybody would give so much in cash for it. If I had to buy it to-day I would not do it. I would rather take that amount in cash than pay it for that property.

By Mr. CHANDLER :

Q. Have you appealed to the appeal board on any of your property?—A. Yes.

Q. Has the case been decided?—A. No, sir.

Q. You said that you paid \$80,900 for the Avenue House?—A. Yes; about five years ago.

Q. Have you improved the property since that time?—A. I have.

Q. How much have you spent upon it?—A. Between \$8,000 and \$9,000.

Q. State what rent you get for it?—A. Ten thousand eight hundred dollars.

Q. Is that the highest annual rent you have received from it?—A. Yes, sir; and I expect to reduce the rent at the termination of the present lease, which expires very shortly. The parties decline staying at the rent.

Q. Have you made an agreement to reduce it?—A. Yes; the precise amount is not agreed upon; the reduction will certainly be in the neighborhood of a thousand dollars. There is one piece of property which I bought, on which the last assessment is nearly a thousand dollars beyond what I paid for it.

Q. Where is that property?—A. On F street, between Sixth and Seventh; it is lot 19, square 456. It is valued now at \$6,500; I bought it last January at \$2,800, on credit.

Q. Is that improved property?—A. It is.

By Mr. CHIPMAN:

Q. Are not sales of property here usually on time?—A. Yes, sir; generally, I believe.

Q. Did you buy this Avenue House property on time?—A. I paid one-third cash, one-third in six months, and one-third in twelve months.

Q. Can we safely judge of the fairness of the general assessments here, through the whole District, by knowing individual instances?—A. I suppose the whole assessments would be in harmony with mine.

Q. Can we judge with certainty about that?—A. I should judge so, unless the assessors make exceptions.

Q. Do you say that in all instances they have assessed property beyond its value?—A. I cannot speak of things beyond my knowledge. I suppose they have treated all alike.

Q. What would you say if we find some instances where assessments are below the value?—A. That is for you to say.

Q. Would not one supposition be as fair as another?—A. That is a matter for the determination of the party who makes the supposition.

WASHINGTON, D. C., April 20, 1872.

J. W. BAKER sworn and examined.

By Mr. GREEN:

Question. Did you buy a horse from Mr. Thornton Smith?—Answer. No, sir.

Q. From Mr. Pumphrey?—A. Yes.

Q. What did you pay for the horse, and to whom did you pay it?—A. I paid \$225 to Mr. Pumphrey.

Q. Through whom was the sale made?—A. I think it was made through Mr. Smith.

Q. Did Mr. S. P. Brown say anything to Mr. Thornton Smith while you were in the buggy with him trying the horse?—A. Yes, sir; I recollect that he offered him \$225 for the horse.

Q. Did Mr. Smith agree to sell it to him?—A. He did not.

Q. Did he not refuse to sell the horse to Mr. Brown?—A. Yes; unless I refused to take him; I had the refusal of the horse.

Q. To whom did you sell the horse?—A. Mr. Brown got the horse.

By Mr. CHIPMAN:

Q. Did you buy him?—A. I did buy the horse, and I paid for him, but it was with Mr. Brown's money. I wanted a horse, and Mr. Smith brought the horse to me; he was a very fine looking horse, and I drove him and liked him, and engaged to buy him for myself; and subsequently, on the same day, Mr. Brown saw the horse and stated to me that he wanted a horse, and I told him that he could take him off my hands if he wished to, although I preferred to keep the horse.

Q. Did Mr. Thornton Smith have anything to do with Mr. Brown in selling that horse?—A. I consider that Mr. Smith acted in the capacity of an agent for the owner of the horse. After I had engaged the horse, and made a small payment upon him to bind the bargain, Mr. Smith dropped out of the question, and the balance of the business was transacted between myself and the owner of the horse. Mr. Brown was not familiar with the inside transactions, and he, I believe, honestly thinks that he bought the horse from Mr. Smith.

Q. How could he honestly think that if Mr. Smith refused to sell the horse?—A. Mr. Smith told him that he could have the horse if I did not take him.

WASHINGTON, D. C., April 20, 1872.

A. B. MULLETT recalled.

By Mr. GREEN:

Question. Who was your computer on the New York post-office building?—Answer. Mr. Oertly was the first one.

Mr. CHIPMAN asked Mr. Green what he proposed to show.

Mr. GREEN said he wanted to prove that Mr. Oertly's computation was not to be relied upon.

Q. Look at this printed testimony in the post-office examination, and state to whom you referred as your computer in the testimony you gave in that case.—A. I referred to Mr. Oertly, but I have to say that since then Mr. Oertly has fully explained the error to my entire satisfaction.

Q. Did you not state on that occasion that Oertly had imposed upon you by false computations?—A. I did.

By Mr. CHIPMAN:

Q. Are you now satisfied that you did him injustice?—A. Not with my knowledge of the facts; but Mr. Oertly has exonerated himself since, or he would not be in my employ.

By Mr. CHANDLER:

Q. State your opinion as to the capacity of Mr. Oertly as a computer.—A. I think that his capacity as a computer is equal to that of any man I know in the country.

Q. Is it not rather remarkable?—A. Yes, sir; he is very experienced and very accurate.

Q. How long have you had experience with him?—A. Nine or ten years.

Q. How often has he made a mistake, small or large?—A. That was the only instance that I had any occasion to complain of Mr. Oertly, and I must say that he was misled by false information, in regard to which he has since that time given me full explanation.

Q. Was he not for a long time sworn computer in the Treasury Department?—A. Yes, sir; he was at that time: I had no alternative but to employ him.

Q. The figures made by him were the basis of large and important payments by the Government?—A. All the contracts we had were settled upon his computation.

Q. What is his capacity as a computer, as compared with that of Mr. Grant and Mr. De Main?—A. I do not think they know anything about it.

By Mr. GREEN:

Q. You say that Mr. Oertly explained this away by saying that he had been misled?—A. He furnished me information which satisfied me that he had been misled entirely.

Q. What kind of information could mislead him in computing figures?—A. He could have been very easily misled in reference to those plans. They were mere sketch plans; they were notoriously imperfect, and could not be measured accurately.

Q. Did you not swear that you had found his computation generally incorrect?—A. I have no recollection of anything of the kind.

Mr. GREEN. That is in your testimony here.

WITNESS. If it is it is some stenographic error. I had no opportunity to correct my evidence in that case.

Q. Were you not recalled, and did you not have an opportunity to correct any errors?—A. No, sir; I did not. I recollect the paragraph to which you refer; I stated that generally the report was correct, but at the same time there were some points about it which were not correct.

Q. You say that you were not recalled and re-examined?—A. No, sir; I said that I was; and in my cross-examination I stated that I was generally satisfied with the report; but there were some points in my evidence which I was not permitted to correct.

Q. On your recall was not your testimony to the same effect in regard to Mr. Oertly making false estimates?—A. I was still under the same impression.

Q. Did you not offer Captain Grant the superintendence of all the buildings of the United States Government?—A. No, sir; I never made such a proposition. I have had very little conversation with Captain Grant. He is a person with whom I hold no intercourse of any character or description. The only conversation I had with Captain Grant in reference to a superintendence was that he made me a proposition that he would like to build the jail in this District if I would agree to put it under him, and that we could make money together. I ordered him out of my office, and I have not spoken with him since.

Mr. A. GRANT. That is false on the face of it.

WITNESS. That is an infamous lie.

The chairman called the witness and Mr. Grant to order.

By Mr. GREEN:

Q. Did you not see a very strong petition recommending Captain Grant for employment?—A. I saw a petition recommending him for some other office, but the only person I saw whose opinion was worth much, Mr. Cluss, has since withdrawn his recommendation.

Q. Did you not afterwards get Mr. Oertly and Mr. Cluss to take their names off the recommendation?—A. I did not.

Q. Did you destroy or suppress the petition so that the Secretary of the Treasury could not find it?—A. No, sir; I believe it is in the Treasury to-day. It was never under my control, except for examination, after which it was returned to the contract office.

Q. Did you ever refuse to give a contract to the brother of Mayor Emery unless he would take his name off that recommendation?—A. No, sir; I never did.

WASHINGTON, D. C., *April 20, 1872.*

WILLIAM B. TODD recalled.

By Mr. CRANE :

Question. State how your assessments compare this year with the former assessments?—

Answer. They are much larger than the assessments made two years ago. I think it is over 40 per cent. increase.

Q. Is there any of your property assessed at more than its cash value?—A. Yes; I think there is. In fact I know there is.

By Mr. CHIPMAN :

Q. What pieces of property of yours are over-assessed?—A. I will mention one square, square 1,029. That has been assessed at 14 cents a foot, and I have been trying to sell it for 8 cents for the last six months, and I have never been able to effect the sale.

Mr. CHIPMAN. That is evidently an error in the assessment.

WITNESS. It does not appear to be so. The property all around in the same vicinity is marked up in the same way.

Q. Have you made complaint about the over-assessment?—A. Yes; I have made an appeal.

Q. Has there been any decision?—A. They seem disposed to reduce many of those excessive assessments.

Q. Is that the first instance you ever knew of assessments in this city having been put beyond the value of the property?—A. I never knew of such an unequal assessment before.

By Mr. CRANE :

Q. Did you vote against the \$4,000,000 loan?—A. I did.

Q. Did you have any difficulty in getting a printed ticket?—A. I could not find any at the polls where I voted, and I had to take a ticket for the loan, and erase the word "for," and insert the word "against."

Q. Did you see any tickets there during the day against the loan?—A. I was not there all day. I went down to vote and came away immediately.

By Mr. CHIPMAN :

Q. All that is required to convert the affirmative ticket into a negative one was to scratch out the word "for," and insert the word "against?"—A. They told me at the polls that it was necessary to use a printed ticket.

Q. Do you know any one who desired to vote against the loan, and who had not an opportunity to do so?—A. I did not remain there. After I voted I went away.

Q. And you do not know that any one was deprived of his vote?—A. No, sir.

By Mr. CHANDLER :

Q. Would you sell your property for its valuation as a whole?—A. I think I would, if I could sell the whole.

Q. What is the gross amount of your assessments?—A. Under this new assessment it is about \$450,000.

Q. Is that excessive valuation on your unimproved lots or on your improved lots?—A. Mostly on the unimproved lots.

Q. Has there not been an advance in price upon unimproved property during the last two years?—A. No, sir; there has not been any advance. There are some parts of the city, I think, where there has been some advance.

Q. Taking your own property, are not the prices stiffer, and is not the property, in your judgment, worth more?—A. In some cases it may be, but on the average I do not think it is. I do not think it would sell for any more than it would two years ago.

Q. You do not think that there has been any considerable increase in value?—A. I do not.

By the CHAIRMAN :

Q: Where is this property located of which you speak?—A. In the Sixth ward, between E and F north and Thirteenth and Fourteenth east, square 1,029.

WASHINGTON, *April 20, 1872.*

ROBERT W. FENWICK sworn and examined.

By Mr. CRANE :

Question. Where do you reside?—Answer. I reside in this District. I am a patent attorney or agent.

Q. Did you read the evidence of Mr. Hall and Mr. Latta before this committee, in reference

to the valuation of property?—A. I have, in the newspapers. I have not seen the full testimony. I take the Star and Patriot, and I think I read it in those two papers.

Q. What experience have you in real estate?—A. The reason of my knowledge about these matters is, that in 1868 I was a member of the board of aldermen, and was on the committee on improvements, and I have property in the city, and have watched the sales of property. I also have been interested in the advance of the city. I was born here and I feel that I am competent to judge generally about that matter.

Q. It has been stated here by Mr. Shepherd that the improvements made heretofore were of no account and that it was so much money thrown away. What is your opinion about the matter?—A. I think the improvements around Water street made under the administration of Mr. Bowen were a great benefit to the city, from Seventh street to Thirteenth street. I think that general improvements, with some exceptions, have tended to advance the interests of Washington, and its property valuation.

Q. How do the improvements done under the old government compare with those done by the board of public works, in regard to the way the work is done, in regard to economy and thoroughness of work?—A. Under the old government I felt that it was necessary for us to put all the checks that we could, as members of that committee on improvement on the manner in which the work was desired to be got out. Many of the improvements were good, and I think, judging from the way I have observed these pavements laid during the winter, or during the season when they ought not to have been laid, that there is ground for considerable alarm. I felt somewhat alarmed under Mr. Bowen's administration, but I do not think that it was anything to be compared with the magnitude and extent of the work that is going on now; and I feel anxious that some check should be put on the board of public works in such a way that we should have the improvements done in a substantial manner.

Q. Have you any suggestions to make as to any improvement in the form of government here?—A. I always felt that we should have the council of the District elected; and I think I offered a resolution to that effect at a large mass-meeting here. I feel that the property-holding interest of Washington is largely involved by the property-holders not going to the polls. That is one cause. Another is that there is a large mass of people here who have no property whatever, who have been suddenly thrown upon us, and who of course do not feel as deep an interest as we do in the property that we hold as old citizens. Hence I thought that if we could elect the council, the men who would be responsible to the people, there would be a check to the present terrible state of things.

Q. Have you read the evidence given here by William Dickson.—A. I have read the evidence, or am familiar with the character of it.

Q. Were you a judge of the election in November?—A. No; I was at the election previous.

Q. Did you observe any anti-loan tickets there?—A. It must have been near 10 or 11 o'clock in the morning when a gentleman went around to hunt for anti loan tickets, and he did not find any. None had been handed in, that I am aware of, to the judges of election at that time.

By Mr. CHIPMAN:

Q. Do the judges of election examine tickets before they put them in the boxes?—A. No; not before they are put in the boxes.

Q. It has been stated here by W. A. Cook that he sent anti-loan tickets to all the precincts in the district; did you see any in your precinct?—A. I did not see any, and I am confident that there were none. I went out and sought for anti-loan tickets from those who would be likely to have them, and I found that the tickets presented to me were tickets for the loan. I went out again, and I could find none in the hands of anybody. Finally I applied to Mr. Peter Campbell, a candidate on the loan side, whether he had not any anti-loan tickets. He ran his hand in his pocket and pulled out a bundle of tickets and said, "Here are some." Whether they were there for distribution I have no knowledge. Subsequently to the election I asked Mr. Ellsworth, one of the most prominent men opposed to Mr. Campbell, whether there were any anti-loan tickets there, and he said there were none; but that he had had some printed himself. I cannot say whether those that were given to me by Mr. Campbell were printed by the government.

Q. What color were the tickets that Mr. Campbell had?—A. I think they were all of a varying hue.

Q. Do you recollect the color of the anti-loan tickets?—A. I think they were white.

WASHINGTON, D. C., April 20, 1872.

WALTER S. COX sworn and examined.

By Mr. CRANE:

Q. State your occupation.—Answer. I am a lawyer by profession.

Q. How long have you resided in this district?—A. All my life.

Q. Have you given any attention to the subject of the improvements now carried on under the board of public works?—A. Only by passing along the streets.

Q. Have you as a lawyer given any attention to the subject of improvements which might and ought to be made in the form of the District government?—A. I have thought about it in a general way, and I have thought that the organic act should be amended so as to give more security to property-holders against too great taxation.

Q. Have you drawn up any amendments with that view?—A. I did, some time ago. At the request of different persons I made a draught of some amendments which I thought would be advantageous. I have a general idea that we shall never get out of trouble unless the property-holders have such representation in the government as will give them a check upon extravagant appropriations. My preference would be that the members of both boards should be elected by the tax-payers, or if that cannot be done, I think that the members of one board—say the council, ought to be so elected; and I think that the ministerial officers of the government ought to be nominated by the council and appointed with its approval. In the matter of assessments I think that there ought to be some check upon extravagant assessments; I think that assessors ought to be appointed with the approval of the council. There are many other particulars in which I think improvements might be made. For example, I think that all those changes of grade should be made a matter of record before they are attempted. The uncertainty as to what is going to be done rather retards individual improvements; I have known examples of that. People do not know exactly how to build without seeing what is to take place in regard to the grades of the streets. I think that should be a matter of record before improvements are attempted. I put into my pocket a draught of some amendments which I prepared some time ago, thinking that I might possibly be examined on that point. I will leave it with the committee.

By Mr. CHANDLER:

Q. Have they been submitted to Congress?—A. No, sir; they are some ideas of my own.

Mr. POLAND. That cannot be properly treated as a subject of testimony.

WITNESS. I did not think so either.

Mr. POLAND. But we should be glad to have any suggestions made to the committee on that point.

By Mr. GREEN:

Q. State what points they cover generally.—A. I first provide that the members of the council shall be elected by the tax-payers; second, that all ministerial officers shall be nominated and appointed by the governor, by and with the advice and consent of the council. Another point is that no money shall be drawn from the treasury except in payment of work already contracted for. Another is that the tax levied for any one year upon property shall not exceed \$1.75 per hundred dollars. (It is limited to \$2 in the original act.) And that all taxes shall be deemed taxes for general purposes except special taxes. Another provision is that no officer under the government, or connected with it, shall be interested directly or indirectly in any contract with the government.

By Mr. CHIPMAN:

Q. Were you the counsel for the injunctionists?—A. I was.

Q. And these suggestions have grown out of your familiarity with that case?—A. Yes.

By Mr. POLAND:

Q. You would not be in favor of having the council elected as the lower house is now elected?—A. No, sir; I do not think that the property-holders would have any protection in that.

Q. You think it would rather aggravate the evil?—A. Yes, sir.

By Mr. CHIPMAN:

Q. You would recommend that the lower house should be elected as now?—A. I would rather have both of the houses elected by tax-payers if that were practicable. I suggested this provision in regard to the council because I thought that it would be impracticable to have it for the two bodies.

Q. Would you have the board of public works elected?—A. I do not think that I would, I have not thought of that, I suppose that the tax-payers are a small minority of the voters. I do not know the proportion, but I conjecture that they are not more than one-third of the voters. Consequently they have practically no available representation in the legislature.

Q. Do you not know that there are a great many small property-holders here; persons who own property worth from \$300 to \$1,000?—A. Yes.

Q. And who are embraced generally in the class of voters who are supposed to be objectionable?—A. My opinion is, that any one who has property at all, on which he pays taxes, ought to vote.

Q. You do not pretend to discriminate against the colored people?—A. Not at all; by no means.

Q. Do you not think that the colored people are quite as capable of using the ballot as white people of the same class?—A. I do not know enough about it to say. I should be for allowing all to vote who are obliged to share in the burdens of government.

Q. Have they given any evidence of their capacity to use the ballot?—A. I do not know anything about them in Washington. I know a great many colored people in Georgetown who are as competent to vote as the white people of the same class.

Q. Are they generally orderly and industrious people?—A. They are generally, although I have no doubt that a great many recent arrivals in the District from the surrounding counties are too ignorant to be properly qualified to vote. If I had my way I would make both property and intelligence qualifications for all voters.

By Mr. CHANDLER :

Q. Do I understand you that you propose that the women of this District who pay taxes shall vote?—A. I have no objection for property-holders to vote.

Q. What is your intention about the women, in that respect?—A. I say nothing about that at all.

WASHINGTON, D. C., *April 20, 1872.*

AMMON GREEN sworn and examined.

To Mr. CRANE :

I am an auctioneer, commission merchant, real estate agent, gardener, and boarding-house keeper.

Question. Have you made any sales of property at auction lately?—A. Yes.

Q. How do those sales compare with the auction sales of property last year?—A. I cannot see that there is any fall in property in Washington, nor is there any increase. It seems to be about the same as it was last year, but it is not so good as it was the year before, or two or three years ago.

Q. Have you read the evidence given here by Mr. Latta?—A. No, sir; I have read none of the evidence given here.

Q. How do the assessments on property in the city compare with last year?—A. With regard to the assessment on my own property I cannot say that it is excessively high. If I were an assessor I think I should assess my property at the same rate at which it has been assessed.

Q. Has it been increased the last year?—A. A little; the increase is a good deal more on my unimproved property. I have improved its value by bringing it up to the grade, filling it up something like thirty or forty thousand feet. Of course, taking into consideration the expenses of filling up and the taxes which I have paid, I do not think that the property would sell for more than would fairly clear me. I have increased its value by working upon it; and, taking into consideration the taxes upon it and the length of time I have held it, I do not conceive that that property is worth one cent more to me to-day than it was when I bought it.

Q. Did you recently sell some property on New Jersey avenue, just south of the Capitol?—A. Yes.

Q. Did you not sell it for \$2,000 less than the same property was offered for last year?—A. I do not know that. It is impossible for me to say. People say that they were offered so and so, but of course I cannot say that it is correct. I conceive that that property sold for near its intrinsic value.

Q. Have you not been obliged to withdraw most of the property that you have offered for sale recently, for want of purchasers?—A. Not the most of it; but some we did have to withdraw, and I will tell you one reason. Persons owning property are very apt to put a fictitious value upon it, and to estimate it at a higher rate than it is worth. I know that to be the case, while others, in certain localities, do not go up to what I consider a fair valuation for the property, and consequently we withdraw it, unless it is a forced sale.

WASHINGTON, D. C., *April 20, 1872.*

GEORGE B. ABRAMS sworn and examined.

By Mr. GREEN :

Question. Are you engaged in laying concrete pavements?—Answer. I have been.

Q. How long have you been in the business?—A. Since the spring of 1869.

Q. Where have you been engaged?—A. In New York, Brooklyn, and this city.

Q. By whom were you engaged to come here?—A. By the agent of the Scharff Pavement Company, Franklin Mace. I was engaged by him, and was turned over to the Washington Asphalt Pavement Company.

Q. Who represents the Washington Asphalt Pavement Company?—A. John O. Evans.

Q. What work did you do for that company?—A. After I was turned over to John O. Evans I was supposed to have taken general superintendence of the work; but he told me that he was going to have no general superintendent; he was going to be superintendent himself; and that he would pay me for my skilled labor. Then he put me in charge of preparing materials, which I did while I was with him.

Q. For what streets?—A. Pennsylvania avenue.

Q. What was the character of the materials used in the construction of the work?—A. They were generally very poor.

Q. Were they such as you had been used to?—A. No, sir.

Q. Were they proper materials for laying a good pavement?—A. They were not.

Q. State how Pennsylvania avenue pavement was done and the kind of materials that were used.—A. At the commencement of laying the Pennsylvania avenue pavement, at the north end of the Treasury Department, the base of the pavement consisted of broken cobble-stones. Some of them were covered with loam and earthy matter, which prevented the composition that was poured upon them from forming a bond. I think that the road-bed, in the first place, was not properly prepared. I think that they neglected the first principle of a pavement. They neglected to prepare the road-bed properly. In the second place, they neglected taking the dirt out of the stones, and that is one reason that caused a great many holes in the pavement. Where a cart was dumped with these stones they would spread them over, and in the center there would be a large amount of earth, and in sprinkling the pavement with the composition it had no chance to percolate into the interstices of the stones, but would lie upon this bed of earth with nothing to hold to. On that base we put a coarse binder of gravel, altogether too coarse, which was well saturated with manufactured coal-tar. This was supposed to be thoroughly rolled into the interstices, but wherever the earth was, this binder, or edging, as we term it, had no chance to hold, and had nothing to bind to. We had gravel which we used for the last course. With that gravel we also used a mixture of coal-tar, and asphalt. They had a little Trinidad asphalt, but we were compelled to use a large amount of stone-dust with it, which I objected to. After we got to the lower gate of the President's our good material for the top-course ran out, and I was compelled to use a quantity of fine, loamy sand, also a certain amount of that worthless stone-dust, the result of which is the cause of the poor pavement there. The asphalt furnished to me was of a very inferior quality. I have a specimen of it which I will submit to the committee. (Witness does so.) This specimen is what they call asphalt, but I never saw any of it until I came to Washington. I should call it coke-chips.

Q. Where does that come from?—A. They said it came from Cuba. It took about twice as much coal-tar.

Q. Is there any strength or binding quality in this material?—A. Not at all, sir. It is worthless.

Q. Under whose patent was that pavement laid?—A. I do not know. I do not think there is any patent for it. I was supposed to lay a Scharff pavement, but inasmuch as they did not have the material I could not lay it. I should call it an experimental pavement; nothing else.

Q. Do you consider that any asphalt was used in that work?—A. If that (referring to the specimen) can be deemed asphalt, I should have to say that there was asphalt used.

Q. Do you deem that to be asphalt?—A. I do; a very inferior quality.

Q. Did you have the inspection of the work, or only the composition of the material?—A. Only the combining of the material.

Q. Who was the superintendent?—A. John O. Evans. He told me that he was the only superintendent he had.

Q. Did the board of public works have any superintendent there?—A. None that I know of.

Q. Did Mr. Evans know anything about the business?—A. I should judge from the materials he used that he did not.

Q. Did you ever inform him that the materials furnished were not making a good pavement?—A. I did, from time to time.

Q. What did he reply?—A. At one time he told me that it was the best he could get, and that the work must go on, and that I must lay it. At another time he told me that if it did not prove a good pavement it was his loss, not mine, and that he had to repair it.

Q. Did he make any other reply to your protest against the materials?—A. He used to talk to me sometimes of the quantities I should use. He said he thought it would make a good pavement.

Q. Were the quantities which he dictated proper for making a good pavement?—A. No, sir.

Q. Were you on the work so that you could have seen if the board of public works had a superintendent there?—A. No. The board might have had a superintendent there and I not know it, unless he made himself pretty useful. I was on the work every day, more or less.

Q. Did you ever see any one who professed to be superintendent under the board of public works?—A. No, sir.

Q. If there had been a superintendent for the board there, to whom would he have given his orders in regard to the materials?—A. I do not know.

Q. After you protested against the materials furnished by Mr. Evans did you get any better materials?—A. After we got past the President's upper gate, as we call it, we got better sand, and we had used up nearly all our worthless stone-dust which we got from the State Department building. That stone-dust was full of mica, and we could not mix it with the manufactured coal-tar and asphalt. After that we got better sand and better stone-dust. I recommended him to get quartz-rock and crush it; and I find, in looking at the pavement on the upper end of the avenue, before you get to Seventeenth street, that the pavement is much better.

Q. Was that before or after inviting bids?—A. It must have been before, because what was laid in front of the White House was from the 21st to the 23d of October.

Q. When did you lay the pavement on Seventeenth street?—A. I think about the 1st of December; perhaps a little before.

Q. Are you still with Mr. Evans?—A. No, sir.

Q. Were you discharged by him?—A. I was suspended from the work.

Q. For what reason?—A. For turning a boat-load of gravel over to another concrete pavement company. He told me that that was the reason.

Q. Was that his gravel?—A. No, sir; I never bought any gravel for John O. Evans.

Q. Did you hear Evans testify before this committee?—A. No, sir; but I saw his testimony in the papers.

Q. With your experience in laying concrete pavements, do you think that the work done on Pennsylvania avenue was done with justice to the public?—A. I do not.

Q. Do you know where the stone-dust that is now used comes from?—A. It comes from the new State Department building.

Q. What was the character of that dust, and was it suitable for the purpose?—A. I should judge that the stone-dust was principally of gneiss rock, with a good deal of mica and gneiss in it, and so perfectly worthless for pavements. It would not answer as good a purpose as common coal-ashes, I think.

Q. What proportion of asphalt did you mix by Mr. Evans's orders with coal-tar?—A. He never ordered the amount of asphalt that I should use.

Q. How thick was that concrete laid upon the top of those broken stones?—A. I should suppose about two inches when compressed.

By Mr. CHIPMAN:

Q. Do you mean the top-dressing?—A. The two last dressings; the top-dressing is not two inches.

By Mr. GREEN:

Q. Are not these pavements on Seventeenth street, and on Fifteenth street and Fifteen-and-a-half street and Pennsylvania avenue, all breaking up?—A. I see many holes in the avenue pavement, and I see that the pavement on the north side of the avenue is cracked some. I see that Fifteenth street has some holes worn in it.

Q. Do you consider that a good pavement, or is it worthless?—A. I have not examined the pavement, and, not knowing what is put into it, I cannot state. I do not think at present that it is a good pavement.

Q. Have you examined the pavement north of the Interior Department?—A. I have.

Q. What is the character of that?—A. It is a very soft, poor pavement.

Q. What was the entire depth of the Pennsylvania-avenue pavement?—A. I should judge it averaged about seven inches.

Q. Of which only about two inches was concrete?—A. We call it all concrete. A macadamized foundation saturated with our material we consider a concrete; if properly laid, and all concreted together, it would be.

By Mr. CHANDLER:

Q. Where is your residence?—A. Twenty-fourth street, in this city.

Q. How long have you been in this city?—A. Since the 29th of last August.

Q. Where was your residence previous to that time?—A. In Brooklyn.

Q. How long did you reside there?—A. Six years.

Q. What have you been doing here during the winter?—A. I have been doing nothing, except during the last month. I am now employed by C. E. Evans on a concrete pavement.

Q. What are you doing for him?—A. Taking charge of the work, and doing the grading.

Q. State what pavements you laid in Brooklyn before you came to Washington.—A. Lee-avenue pavement, Division avenue, and Prospect Park; and in New York, in Central Park and at the Battery.

Q. Were you a contractor?—A. No: I was employed as foreman.

Q. This pavement that you have been speaking about on Pennsylvania avenue is from Fifteenth to Seventeenth street?—A. Yes.

Q. Was the center of the railroad track paved with concrete?—A. No, sir.

Q. Was there a pavement on both sides of the track—north and south?—A. Certainly.

Q. Did you superintend the whole of the work?—A. I only superintended preparing the materials.

Q. Did you superintend the preparation of the materials for the north and south sides?—A. I did for the south side of the street up to Seventeenth street, and for part of the north side.

Q. Then the pavement on the north side of the track you did not superintend?—A. prepared the materials for part of it; I should think from about the center of the square to the lower end, to Fifteenth street.

Q. That would be from very nearly opposite the President's House?—A. Yes.

Q. From the center of Jackson Square down to about what point?—A. Down to about the Freedmen's Bank, I think.

Q. At what precise place was the material being laid down when you were discharged?—A. At about that point.

Q. On which side of the track?—A. On the north side. I was with the company for some time after I quitted preparing the material. When Mr. Evans and I could not agree as to the preparing of the material, he took me from that work and put another man in my place and put me on the street.

Q. How long did you remain after that?—A. Probably ten or twelve days.

Q. You say that you were discharged because you furnished this boat-load of gravel to another company?—A. Mr. Evans said that that was the cause of it.

Q. Where did you do the work of preparing this binding material?—A. At the circle, between Twenty-second and Twenty-third streets.

Q. What did you do there; did you heat the coal-tar and asphalt and distill them?—A. Yes; and mixed the materials.

Q. Did you mix them with any gravel there?—A. Yes.

Q. Was there any of this stone-dust and inferior gravel and earth that you speak of used on the north side of the railroad track?—A. I do not think there was.

Q. Did you have any difference with Mr. Evans or Mr. Scharff or any one else as to your manner of doing the work?—A. I used to have a good deal of trouble with Mr. Jewell, the man that furnished the materials.

Q. What was the trouble with him?—A. He interfered with my mixture of the materials; he interfered with the way of composing my mixture and the way I worked my men.

Q. Is there any liability in preparing this mixture to burn it, or to underheat it?—A. Yes; there is a great risk of burning it.

Q. Is it a very delicate process?—A. It is.

Q. Was the material which you prepared in this way of perfect quality; I mean was it properly heated?—A. It was all properly heated. There was none of it burned that I know of.

Q. You are entirely certain that all your portion of the work was well done?—A. So far as the labor is concerned, and the heating, it was well done.

Q. And there was no defect in any of the compound because of your overheating it?—A. Not that I have ever known of.

Q. No complaint was ever made on that subject, either by Mr. Jewell, or Mr. Scharff, or Mr. Evans?—A. Not to me. In mixing our binders in the coldest weather we had a new process, and sometimes we would get that a little too heated. I noticed that Mr. Evans swore that the life of the bitumen was burned out of it. That was impossible; we never had our material hot enough for that.

Q. There was no complaint made of your overheating the material?—A. Not to me.

Q. You were not discharged for that reason?—A. No, I was not discharged for that reason, at least I was not told that that was the reason.

By the CHAIRMAN:

Q. Was not something said, at the time that you were taken from the process of preparing the material, about its being overheated?—A. No, sir; I always supposed that I was discharged because Mr. Jewell and I could not agree about the manner of running the business. He interfered with my work and had no knowledge of it himself.

By Mr. CHANDLER:

Q. In what way did he interfere?—A. He used to order me to put in more stone-dust, &c., and when I asked him whom the orders were from he would say from John O. Evans. Mr. Evans took me into the street and asked me if I could take charge of the work upon the street. I told him that I could do anything in connection with concrete pavement, and he said that he would send Mr. Scharff there and that he could get along with Mr. Jewell.

Q. State what difference there was, either in the material used, or in the proportion of it, between the pavement on the south side of the railroad track and the pavement on the north side?—A. I do not know how they prepared it after I left there.

Q. Well, while you were there, what was the difference?—A. We had a little better material on the north side. We had better sand and better asphalt and better broken stone, and we had better binders.

WASHINGTON, D. C., *April 20, 1872.*

CHARLES EVANS recalled.

By Mr. GREEN :

Question. Did you have charge of Mr. Brooks's property last year during his absence—the house on F street, between Eighteenth and Nineteenth streets?—Answer. I did, partially.

Q. Did you have any conversation with Mr. Shepherd in relation to an alley that leads to Mr. Brooks's stable?—A. I merely asked him, one day, about cutting the alley down so that Mr. Brooks could get to his stable. I do not recollect the exact words. I think that before that I spoke to Mr. Collins, the contractor, and he told me that he would see to having it cut down.

Q. Where was Mr. Brooks at that time?—A. I do not know; I suppose he was in Japan.

Q. Did Mr. Brooks ever make any application to have that alley cut down?—A. I think the alley was cut down at my instance.

Q. Did you ever write to Mr. Shepherd on the subject?—A. No, sir; I only spoke to him about having the alley cut down; and I think his reply was that it would be cut down.

Q. Was that a private alley?—A. They say it is a private alley, but I thought that Mr. Brooks had a right to it, as his lot backs up to it.

WASHINGTON, D. C., *April 20, 1872.*

JOHN M. BUTLER recalled.

By Mr. GREEN :

Question. Were you employed a short time since by Mr. S. P. Brown?—Answer. I was employed by his son, A. P. Brown.

Q. Were you with them at the time that stone was furnished for Seventh street?—A. Yes, sir; he furnished it from his quarry.

Q. Do you know what was the cost of that stone?—A. We paid 12½ cents a perch at the quarry for the privilege of taking the stone out. We had two kinds of stone broken there; one kind at 40 cents a perch and another at 70 cents. Mr. Cranford, who required a very fine quality of stone, paid 70 cents a perch. Forty cents a perch was the ordinary price for breaking stone.

By Mr. CHIPMAN :

Question. What kind of stone was this that was furnished to Seventh street; was it the 70-cent stone?—A. No, sir; the 70-cent stone was what we furnished to Mr. Cranford; what we furnished for Seventh street was the 40-cent stone; that is, it cost 40 cents for breaking and twelve and a half for the privilege of taking it from the quarry.

Q. What amount was paid for the stone when it was delivered on the street?—A. Two dollars and fifty cents or \$2.60 a perch delivered on Seventh street, which is a mile or two from the quarry.

WASHINGTON, D. C., *April 20, 1872.*

ROBERT PEEL sworn and examined.

By Mr. GREEN :

Question. Where do you reside?—Answer. I reside at the corner of Eleventh and K. I know Mr. A. P. Brown; we had a contract with him for breaking small stone at the quarry. That was not for Seventh street, but for Mr. Cranford. We had 70 cents a perch for breaking stone. I had a lower price for another kind of stone, 40 cents. The 70-cent stone is broken small, and the 40-cent stone is broken much larger. We broke the stone just as it came from the quarry; we never broke any cobble-stones.

WASHINGTON, D. C. *April 20, 1872.*

JACKSON GRANT sworn and examined.

By Mr. GREEN :

Question. What is your profession?—Answer. I served an apprenticeship of seven years at carpenter-work, building and draughting, and I have been engaged in that business thirty years.

Q. Were you authorized to examine the arch at the Tiber Creek sewer, and to make a plan of it?—A. I was requested to go there with Mr. Heimer, and the two of us were to measure and make a plan.

Q. Is this [exhibiting a plan to witness] the plan you made?—A. I did not draught this plan; Mr. Heimer draughted it. I measured the work and he took down the figures.

Q. Did you have any one to assist you?—A. Mr. De Main was with us.

Q. Is this plan the same as the one that was furnished by General Green?—A. I have seen a plan said to have been furnished by General Green, but it is not like this one. The difference between General Green's plan and this is, that in his plan the walls were battled, and there was a skew-back in it of solid stone to receive the brick arch. General Green's plan has a different arch from this. I am familiar with all kinds of arches; I have superintended them in Government yards; I have draughted such buildings and erected them, and done all kinds of such work.

[Witness explained to the committee the difference between General Green's plan and his own.]

Q. Look at this stone in General Green's plan where the skew-back is cut.—A. That shows one large solid stone, supposed to be a cut stone or a large stone. It is a different stone from the rest of the wall.

Q. Would not a stone of that size, and cut in that way, have bound a wall much better than as the work is being done?—A. Yes, much better, and it would have cost more, too. It would strengthen the wall materially. The stones, as now laid, are common stone put in with ashler. This plan of General Green's represents a large cut stone, with a skew-back on it, which would certainly cost three times as much as the way it is done. If this wall had been battled, the work would certainly have cost as much again.

By Mr. CHIPMAN:

Q. Do you mean to say that the mere introduction of a battling-wall would make the whole structure cost twice as much?—A. I mean to say that the building, as it has been built, has not cost half as much as if it had been built on the battling plan.

Q. Did you ever build an arch like that?—A. I never laid on the brick with my trowel, but I have superintended a good many arches. I put in some very heavy arches in the Government arsenal in Philadelphia, in 1867, and in other places.

By Mr. GREEN:

Q. State any other difference between the two?—A. There is some difference in the kind of arch. This arch in Mr. Crane's plan is much stronger than the way they have built it. It is an elliptical arch.

By Mr. CHIPMAN:

Q. Do you think that an elliptical arch is stronger than a semi-circular arch would be?—A. No, I consider a semi-circular arch stronger, but this is not one.

Q. Does it not increase in strength as it approaches the semi-circular shape?—A. It does. The more rise you get on an arch the more you strengthen it. If you get a Gothic arch, it will be still stronger.

By Mr. CRANE:

Q. Did you examine the cement put into that wall?—A. I saw some of the cement lying on the wall near the bridge. I examined some of the cement on the arch below here; some of it that was laid in the wall and some that they were mixing, and I took some of it home and tested it.

Q. Did you see the man mixing it?—A. I did.

Q. Can you judge from your observation what proportions he was putting in?—A. The man who was mixing it told me that he put in fourteen or fifteen barrels of coarse gravel to one barrel of cement, and I think he told me the truth. I do not think that the mortar was good which I saw them putting into the wall. I did not think there was any cement at all in that which I saw going into the wall. My first impression was that they were using the mud out of the canal, and mixing that with sand, and that was the reason why I was particular in going up to the place where the man was mixing it. My impression is that the proportions were one barrel of cement to fifteen barrels of coarse gravel, unscreened, right out of the bank.

Q. Did you examine the wall as it was being laid by Bartlett & Williams?—A. I did.

Q. What was its character?—A. I would not call it good. If I were doing such a job as that I should expect, if there was a superintendent about, that he would stop me. I consider the work bad for a job of that kind that is to be under water. I consider that the mortar was not fit to go under water in a sewer.

Q. Was the wall properly battled?—A. I do not consider that it was, for a job of that kind. It was battled where the arch rests, but the backing was thrown in promiscuously.

Q. Did you examine the stone wall that was built by Teemyer & Co. on the canal?—A. I did.

Q. Was that work done according to General Michler's plan?—A. It was not.

Q. Did you make any calculation of the difference in the cost of doing that work between General Michler's plan and the way in which it is done?—A. I have made some calculations.

Q. State what the difference is.—A. I have calculated that it would cost \$3,337.98 if they had put in the timber-work as proposed in the plan, instead of the iron rods that they did put in. This plan shows that the piling and the timber workmanship was all to be under water, but the work has not been done in that way. They have saved, in my judgment, at least one-half the labor in the way they have done the work.

Q. How much would that be?—A. I do not know how much that work amounted to, but I know that it would be 50 per cent. if they had done it according to plans. I mean that they have saved in putting it above the water half of what it would have cost had they put it below the water.

By Mr. CHANDLER:

Q. Are you a brother of Captain Grant?—A. I suppose I be.

Q. Which is the elder?—A. I believe he is.

WASHINGTON, D. C., April 20, 1872.

LOUIS P. HEIMER sworn and examined.

By Mr. GREEN:

Question. What is your occupation?—Answer. Architect and civil engineer.

Q. Do you know who drew that paper?—[Exhibiting the plan shown to the last witness.]

A. I did.

Q. Did you accompany Mr. Grant to get necessary measurements so as to enable you to draw that plan?—A. Yes.

Q. Is it a correct representation of Tiber Creek sewer as it is being constructed?—A. Yes.

Q. Were you present when Mr. Grant examined the character of the cement and mortar that was being used?—A. Not on this Tiber Creek, but below here on Third street.

Q. What was the character of the mortar?—A. I think it poor mortar and poor cement.

Q. Do you know the proportion of cement and sand and gravel that were used?—A. Not exactly.

Q. Did you see enough to form an approximate estimate of the proportions that were being used?—A. I think there was about double more sand than ought to have been.

Q. Did you examine the manner in which the walls were constructed; were they properly bound?—A. No, sir; they could have been better. In some places they were bound.

Q. How is the brick arch being built?—A. As they usually build these brick arches.

Q. How was the back part of this stone wall laid?—A. Very roughly; it was not well bound at all. It is done with rubble-stone. It is very badly laid.

Q. As laid, is it as strong as a three-foot wall, well bound, would be?—A. It will be as strong as a four-foot wall, well bound, I think.

Q. What is the thickness of this wall?—A. Six feet; it is not well enough filled in. It is more like a dry wall.

By Mr. POLAND:

Q. But you do not mean that the stone was piled in indiscriminately?—A. No, sir.

By Mr. CHANDLER:

Q. What are the proper proportions of cement and sand?—A. Two barrels of sand to one of cement.

Q. In this mortar that you speak of, you think there was twice as much sand as there ought to have been?—A. Yes, if not more.

Q. Did you see any mortar mixed up there where you thought the proportions were as fifteen to one?—A. I did not think it was as much as that; I did not notice that.

Q. Were you not with Mr. Jackson Grant?—A. Yes.

Q. And you think the proportion of sand and cement was about four to one?—A. About that.

Q. What would you think of an estimate that the mortar had fifteen parts of sand and one of cement?—A. I would not think much of it.

By Mr. CHIPMAN:

Q. What is the strength of this arch?—A. It is a strong arch.

Q. There is no defect in the plan of the arch?—A. No, sir.

WASHINGTON, D. C., April 20, 1872.

BENJAMIN SEVERSON recalled.

By Mr. CRANE :

Question. Have you measured the concrete pavement laid by John O. Evans in front of the White House?—Answer. I measured the pavement on Seventeenth street; I have not measured that in front of the White House. The depth of that pavement altogether is about six inches. I have the rod with which I measured it, (showing it to the committee.) There is a depth of about six inches of pavement, including all the different layers. In some places it was less than six inches, but I always make these measurements abundantly liberal so as to be safe. I aim to be as nearly correct as I can be.

WASHINGTON, D. C., April 20, 1872.

W. S. FLETCHER sworn and examined.

By Mr. GREEN :

Question. Where do you reside?—Answer. I reside in the twentieth district.

Q. Were you familiar with the means adopted by the board of public works to carry the last election?—A. I think I was.

Q. Was there any thoroughly organized opposition to the loan in your district prior to the election?—A. There was some opposition to it two or three days prior to the election.

Q. How many voters were registered in the twentieth district in April, 1871?—A. Sixteen hundred and thirty.

Q. And how many at the last election?—A. Eleven hundred and eighty-one.

Q. Do you know what was the cause of that decrease of 400 voters?—A. Nearly everybody seemed to think that it was useless to undertake to fight the board of public works. A great many did not register on that account.

Q. Were you a candidate at that election?—A. I was.

Q. Did the board furnish or did you apply for any anti-loan and anti-railroad tickets on the morning of the election; and if so, to whom?—A. On the morning of the election I applied to A. W. Eaton, one of the superintendents, who brought the tickets for the loan to the polls. I asked him for some anti-loan tickets, and he informed me that he had received nothing but loan tickets.

Q. Did you send for tickets?—A. I sent a member of our campaign committee, Mr. Smith, for the tickets. I had been informed that Gibson Brothers were printing tickets both for and against the loan, and I sent him there with the request that if he could not get them there to ascertain where he could get them and follow them up. That was about 8 o'clock in the morning.

Q. What other means did you take to get anti-loan tickets?—A. All voters who were there in the morning and who were known to be opposed in any way to the loan and to the board of public works, or to the candidate of the board, found it almost impossible to get tickets. Then I instructed members of the campaign committee, who were present, to buy the loan tickets at anything they could get them for, and I knew of several that were bought for which ten cents was paid, with the intention of scratching out the word "for" and writing in the word "against."

Q. Do you know whether there were anti-loan tickets received in your district?—A. About 2 o'clock a buggy drove up with a gentleman in it, who had some anti-loan tickets. After that there was no lack of anti-loan tickets, but there were no anti-railroad tickets received there at all. I never saw any that day and I never saw any yet. There were two sets of tickets for the Piedmont Railroad, but none against it.

Q. Was any objection made to the manner in which the anti-loan tickets were printed?—A. I did not hear any.

Q. Did you hear any one object to the tickets because they were printed "for improvements" and "against improvements"?—A. Yes, quite a number who voted in the morning stated that, while they were opposed to expenditures of money in that way, they were in favor of improvements, and they did not want to vote against improvements. They disliked the way in which the tickets were printed, "against special improvements" and "for special improvements."

WASHINGTON D. C., April 20, 1872

FRANCK TAYLOR sworn and examined.

To Mr. GREEN :

I reside in this city, near city hall. I have been a resident of Washington City for more than forty years.

Question. Are you familiar with the value of property?—Answer. Not much; I never made it a study.

Q. Do you know anything about the assessment recently made or now being made of property in this city?—A. I went to inquire after my own, and I have heard generally.

Q. What is the relative assessment of property of which you have personal knowledge; is it above or below its cash value?—A. It is assessed generally, I think, quite up to the amount it will sell for.

Q. Have you had occasion to observe the improvements made by the board of public works?—A. Casually.

Q. What is your opinion as to the ability of the property in this city to stand such expenditures?—A. The increase of expenditures is very fearful. I do not know how much property will stand. I do not know how much further taxation is to go.

Q. So far as your observation is concerned, have the expenditures been made economically or extravagantly?—A. I am not competent to form an opinion on that subject. I should be very glad to pray this committee to consider the remarks that have been made in regard to the change of the form of government under which we live. I have tried to study it out. It seems to be an exceedingly good form of government. (I speak of the form merely.) It is quite improbable that we should get a better one by any change. "That which is best administered is best"—to come down to a very old authority. It might be compared, perhaps, to a new machine; perhaps, set up for the first time, some alterations and adjustments are necessary. I think that that is all that this government needs. At the same time I should be very glad for the committee to consider it. One year ago we owed three millions; a couple of years before that we owed one million; and now we owe about eight millions. At the rate at which we are going on there can be but one end to that sort of thing. With individuals or communities that are borrowing or spending money recklessly, there can be but one end. I own three houses in this city near the city hall, tolerably good houses, and nothing more than that. I paid \$1,800 for the wooden pavement for these houses. Two or three weeks after that the law was changed so that people have only to pay one-third of the cost of the pavement, two-thirds coming out of the city treasury. That intoxicates people; and persons living away out at the city boundary and beyond that are becoming clamorous for improvements. People who own unproductive property there want to have pavements laid from the center of the city clear out to the boundary. I paid the whole cost of improving my property, and immediately afterward I had to pay one-third of the cost of improving the property of others.

By the CHAIRMAN:

Q. Where is your property located?—A. Very near the city hall.

Q. Some time ago you made a suggestion to some members of the committee that you wanted an act passed which should revoke the authority for the second four-million loan. I think you sent a memorial to that effect?—A. Yes, sir.

Q. Not expecting, of course, to revoke the authority for the first four-million loan?—A. No, sir. We made a mistake as to the loan; we had a right to suppose that it was the second loan that was sold.

Q. I understand you not to object to the present form of the District government. You are willing that the people should act as they do, but you want to have more protection for property against taxation?—A. That is all. I think that it is susceptible of being made an excellent government. I do not see why we should like to change for the worse.

Mr. POLAND. In reference to this four-million loan, the Senate has passed a bill one provision of which is really a repeal of this second four-million loan. That bill has been before this committee and Governor Cooke and other officials of this District, and they said that it met their approbation, and they desired that we should act in accordance with the Senate; and we have agreed so to report.

WASHINGTON, D. C., April 20, 1872.

EDMUND M. SMITH sworn and examined.

To Mr. CRANE:

I did not vote at the last election. I was not a resident of the District long enough. I resided in the District, but was not present at the time to be registered.

Question. Did you go to Gibson Brothers for tickets on the morning of election?—Answer. I did.

Q. What did they tell you?—A. Mr. Fletcher came to me at the polls at about a quarter past 8 o'clock and said there were no anti-loan tickets there, and to go to Gibson Brothers to get some printed; and he furnished me with funds. Mr. Gibson was not at the office, but just as I was about to go out, he came in. I asked him if he could have some anti-loan tickets printed right away, and he said he did not think he could; that his men had been up

all night, and had only gone away at 5 o'clock in the morning; but that if I went to Morrison's building, to William A. Cook's office, I could get some. I jumped into the carriage and got down there about half past 8, or 25 minutes to 9. I went into Mr. Cook's office. There were several persons in the room, and, I think, Mr. Cook was there, but I am not positive. I asked if there were any anti-loan tickets there. One of them asked me what district I wanted them for, and I said the twentieth district. He turned round to some man and said, "I had those tickets sent up to Mr. Carroll this morning before 6 o'clock—all the tickets necessary for the twentieth district." I asked if they could not give me some. They said they had not any to spare; that Mr. Carroll had been very well satisfied with the quantity of tickets he got for the twentieth district, and that the messenger had gone there before Mr. Carroll was up.

Q. Did Captain Grant send you to Mr. Gulick and the governor in relation to tickets?—

A. No, sir; the only person who sent me in relation to tickets was Mr. Fletcher, as I have just stated.

Q. Did you put the writing upon this ticket? [Exhibiting to witness a ticket against special improvements.]—A. No, sir; I did not. That is not my handwriting. After I returned from Mr. Gibson's, and from Mr. Cook's office, there were some tickets given to me by Mr. Fletcher, to take around, and to have written on them "against" the loan or "against" special improvements.

Q. Were there any tickets in that precinct against the loan before 2 o'clock?—A. I could not find any anywhere. There were not any to be found.

Q. Or against the Piedmont Railroad?—A. No, sir.

By Mr. CHIPMAN:

Q. Did you go to Mr. Carroll after you got back?—A. I did not.

Q. Do you know anybody in the district who desired to vote against the loan and who had not an opportunity?—A. I know that there were a good many.

Q. Name any one voter.—A. I cannot recollect a certain party. I stood alongside the window and checked the names as they voted. There were several who asked me for anti-loan tickets, and I said there were some written on. The question arose as to whether they were legal or not; and the judges, I believe, accepted them.

Q. So that all that was required was to strike out the "for" and write "against?"—A. Yes; but there were only a few written, for I could not get hold of them. I wrote about twenty-five or thirty.

Q. How many votes were cast in the twentieth district against the loan?—A. I do not recollect.

Q. You do not know any voter who had not an opportunity of voting against the loan?—

A. I cannot name them.

By Mr. CRANE:

Q. You say that you took the tickets for the loan and wrote on them the word "against?"—

A. Yes.

Q. Did you have any difficulty in getting those tickets?—A. The tickets were given to me by Mr. Fletcher, who said that he had had a hard time to get them.

By Mr. CHANDLER:

Q. Who were in the room at Mr. Cook's office while you were there?—A. They were all comparative strangers to me, except Mr. Cook. I think he was there, but I will not say positively. I had never seen him before, but I have seen him since, and, I think, I recognize him. One tall colored man was there at the same time.

Q. Are you sure that when you were informed that the tickets were sent to Mr. Carroll you asked for more?—A. I asked if I could not be furnished with some, and the answer was given that a sufficient number was sent to Mr. Carroll in the morning to supply the twentieth district.

Q. Did you thereupon insist upon having some more given to you?—A. I did not. I turned round, supposing that Mr. Carroll had got them at the polls. I got into the carriage and went back and reported.

WASHINGTON, D. C., April 20, 1872.

B. OERTLY recalled.

By Mr. CHANDLER:

Question. Have you examined these two different modes of laying walls, with a skew-back and without?—Answer. Yes.

Q. State the difference in the cost per linear foot between the two.—A. I stated that the other day; \$1.50 per linear foot for three feet.

Mr. A. GRANT. Tell me the length of that capstone. [Pointing it out in the plan.]

The WITNESS. About three and a half feet.

Mr. A. GRANT. That is a binder, is it not, on that pier?

The WITNESS. Yes; it called for a binder.

Mr. A. GRANT. And it is the same one as the skew-back is cut upon?

The WITNESS. Yes; as represented in this drawing.

Mr. A. GRANT. How deep do you call that stone?

The WITNESS. About fifteen or eighteen inches.

Mr. A. GRANT. I want to know whether that is represented to run the whole length of that canal wall.

The WITNESS. No, sir; only a cross-section.

Mr. A. GRANT. Would you not, as a superintendent, require the contractors to put that stone in the whole length?

The WITNESS. A. No, sir.

Mr. A. GRANT. I want to know how much a cut stone of those dimensions would cost?

The WITNESS. That was never required by the contract.

Mr. A. GRANT. It would have to be a dimension stone?

The WITNESS. No, sir; it is a plain stone, with a skew-back cut upon it. There is no cutting in it except the skew-back. It does not need to be a dimension stone.

Mr. A. GRANT. Does not an arch have to be on a level the whole distance and has not the stone to be cut to a size?

The WITNESS. Of course.

Mr. A. GRANT. Well, what does that cost per foot?

The WITNESS. The skew-back will cost \$1.50 per lineal foot.

Mr. A. GRANT. Is not that stone the binding-stone?

The WITNESS. Yes; I admit that the stone where the skew-back is should be a large stone. I stated the other day that no skew-back was used.

WASHINGTON, D. C., April 20, 1872.

A. GRANT recalled.

By Mr. GREEN:

Question. Have you examined your testimony on page 109?—Answer. I have.

Q. Have you any explanation to make in relation thereto?—A. I wish to explain to the committee (what does not appear in the testimony) that in giving the dimensions of the concrete pavement, from Fifteenth street to High street, in Georgetown, I stated distinctly that I had not measured it, either by the map or by the street, and that I only assumed it to be a certain length. I took Mr. Frederick's calculation, that the street was 100 feet wide, and I took the length at two and a half miles. If you calculate that you will find that it will give 160,345 square yards; and at the price that I gave the work would amount to \$513,101.40. I stated distinctly that it made no difference, in my calculation, whether the length was one mile or two miles, or one block. It was 90 cents that that concrete pavement cost, for which they paid \$3.20; that was the point I was getting at. It cost so much per yard, and it makes no difference whether the quantity is one yard or a million yards.

Q. Have you made any calculation of the cost of improvements according to Shepherd's testimony; and, if so, what is the result of that calculation?—A. I went into the details of that matter on two streets. I have here Exhibit A, being a detail estimate of Thirteenth street, which Mr. Shepherd makes \$45,000. I take it from F to N, inclusive, and I find the figures to be as follows:

EXHIBIT A.

Detail estimate of Thirteenth street.

Thirteenth street, from F to N streets, inclusive. Length, 3,663 feet by 35 feet wide, making 14,245 yards of paving, at \$3 per yard.....	\$42,735 00
7,326 feet of tile-pipe, with branches, at \$1 per foot.....	7,326 00
6,842 feet curbstone, old and new, at \$1 per foot.....	6,842 00
44 man-holes, at \$72 each.....	3,168 00
22 traps, at \$100.....	2,200 00
11,550 yards sidewalk, at 80 cents.....	9,240 00
7,555 yards sodding, at 25 cents.....	1,888 00
1,147 iron posts, at \$7.50 each.....	8,602 00
Chains for same.....	2,000 00
5,736 feet new curbstone, around parks, at \$1.....	5,736 00
Total	89,737 00

The next is a detail estimate of N street, and is as follows :

EXHIBIT B.

Detail estimate of N street.

From Second to Fourteenth streets, inclusive, 5,215 long by 35 feet wide, 20,280 yards, at \$3	\$60,840 00
10,430 feet of tile-pipe, with branches, at \$1	10,430 00
9,108 feet of curbstone, old and new, at \$1	9,108 00
48 man-holes, at \$72 each	3,456 00
24 traps, at \$100 each	2,400 00
18,107 yards sidewalk, at 80 cents	14,485 60
15,386 yards sodding, at 25 cents	3,846 50
1,792 iron posts, (5 feet apart,) at \$7.50 each	13,435 00
Chains for same	3,000 00
8,968 feet new curb, around parks, at \$1	8,968 00
Total	129,969 10

The next paper which I present to the committee is Exhibit C, as follows:

EXHIBIT C.

Complete estimate of all the streets within the bounds described by Mr. Shepherd in his exhibit, from Second to Fourteenth street and from F to N street, inclusive.

Then suppose we average those streets from F to N street, as follows :

Second street, from F to N	\$89,737 00
Fourth street, from F to N	89,737 00
Fifth street, from F to N	89,737 00
Sixth street, from F to N	89,737 00
Eighth street, from F to N	89,737 00
Ninth street, from F to N	89,737 00
Tenth street, from F to N	89,737 00
Eleventh street, from F to N	89,737 00
Twelfth street, from F to N	89,737 00
Thirteenth street, from F to N	89,737 00
Fourteenth street, from F to N	89,737 00
Total	987,107 00
Seventh street to be included, but left out by Mr. Shepherd	89,737 00
Third street to be included, but left out by Mr. Shepherd	89,737 00
	1,166,581 00
N street, from Second to Fourteenth street	129,969 10
M street, from Second to Fourteenth street	129,969 10
L street, from Second to Fourteenth street	129,969 10
K street, from Second to Fourteenth street	129,969 10
I street, from Second to Fourteenth street	129,969 10
H street, from Second to Fourteenth street	129,969 10
G street, from Second to Fourteenth street	129,969 10
F street, from Second to Fourteenth street	129,969 10
Total	2,206,333 80

I find that the above is one-twelfth part of the streets in the improved parts of Washington and Georgetown. The cost of improving all of those streets will amount to \$26,476,005.60. The above is according to the prices given by A. R. Shepherd in his testimony, which is at least 25 per cent. under its real cost—under the prices before paid.

Q. Were you chairman of the campaign committee that was organized against the \$4,000,000 loan?—A. I was.

Q. Do you know of any unfair means to carry that election?—A. I never saw anything like it in any election that I have been in. On the 1st of September, when we organized against the loan, I should judge that at least three-fourths of the people of the District were against the loan. We did not get that from any rough calculation; we sent men all over the District, who canvassed the voters, and we found that to be true.

Q. Do you know whether tickets in opposition to the loan were suppressed?—A. I know that we could not get tickets. I was sent for to go to the polls, on account of there being

no tickets there against improvements. I went to the polls about 8 or 9 o'clock in the morning, and I went to the men who had charge, to know if tickets had been sent for our district. I told them that there had been none sent there. I turned round and found Mr. Gulick, who was a government officer, and he told me we should have tickets there at once. He sent three times before these tickets were furnished. He sent to Governor Cooke and to Messrs. Gibson, and to Mr. William A. Cook for those tickets, and also to the board of public works. It was 2 o'clock before they arrived. This ticket shows the time they were received. [Witness here presents the committee a ticket against special improvements, containing this memorandum in writing: "Received at 2 o'clock p. m., November 22, 1871."]

By Mr. CHIPMAN:

Q. Do you know any person who wanted to vote against the loan and did not have an opportunity?—A. I do not know that I can specify any person in particular.

Q. Was there any difficulty in converting an affirmative ballot into a negative one, by striking out "for" and inserting "against"?—A. Parties who were known to be against the loan could not get tickets without buying them.

Q. Can you state a single person who had to buy a ticket?—A. I do not know that I can specify anybody in particular. There were parties there who told me that they had to buy tickets. I did not see it myself. In regard to Mr. Mullett's testimony, as to my conversation with him about the jail building, I desire to say that I never had any conversation with Mr. Mullett in reference to the superintendence of that building, or to the letting of the bids, and that I refused to put in a bid on account of the character of the plans. That subject was investigated by a House committee and the building was abandoned. I never had any conversation with Mr. Mullett in relation to Government work; but he approached me one day and asked me if I would take the general superintendence of all the Government buildings under his direction.

By Mr. CHANDLER:

Q. And you declined to accept?—A. I did. I was putting up a building for the Government at Norfolk, and I was contractor for a building at Philadelphia, and I was also drawing and erecting other large buildings.

By Mr. GREEN:

Q. Did you ever make a proposition to Mr. Mullett that, if he would give you the contract and the superintendence of the jail building, you could make money for himself and you?—A. I never had any conversation with him about it.

WASHINGTON, April 20, 1872.

HENRY A. MALLORY sworn and examined.

By Mr. CHANDLER:

Question. Were you engaged in distributing tickets at the last election in this city?—Answer. I was.

Q. By whom?—A. William A. Cook.

Q. Did you distribute them?—A. I distributed them in the whole twenty-two districts. I discharged my duty faithfully. I commenced about a quarter past 3 in the morning of election day. I went to the fifteenth district and from that to all the other districts.

Q. To whom did you deliver tickets at the various polls?—A. To the parties in charge at the different precincts.

Q. Did you carry anti-loan tickets?—A. Yes. I circulated 105,000 anti-loan tickets in the various districts. I met Mr. Crane that morning and I told him that there were 110,000 anti-loan tickets printed and that they were assorting them at the office. I went back and got about 50,000 of them and put them into a box in the carriage and took them into the different districts. I heard more to-day about anti-loan tickets than I did on the day of the election.

Q. Did you use fraud to keep back anti-loan tickets?—A. No, sir.

Q. Did Edward M. Smith come to Mr. Cook's office that morning, to your recollection?—A. No, sir. I do not recollect seeing him before to-day.

Q. Were you at Mr. Cook's office the morning of the election?—A. I was, every hour or so. I came back to get tickets and to take them out.

By Mr. CRANE:

Q. Did you have anti-loan tickets when you met me that morning?—A. Not at that time. I told you that Mr. William A. Cook had 110,000 at his office, and you said you would see and get some.

Q. Did I not ask you whether you had any of those tickets, and did you not state that you did not know anything about them, nor whether any could be obtained?—A. No, sir.

I told you there were 110,000 anti-loan tickets at William A. Cook's office, being assorted out. They had been handed to me in packages and all got mixed up. They were carried to Mr. Cook's office and assorted; and after they were assorted I distributed them.

Q. What district did you go to first?—A. To the fifteenth district, where you met me.

Q. At what hour did you meet me there?—A. Between 3 and 4 o'clock in the morning—about daylight.

Q. Was not the sun high up when you met me?—A. I may be mistaken, but I am satisfied it was not 4 o'clock.

Q. You did not have any anti-loan tickets when you met me?—A. No; I had only delegate tickets for three districts.

Q. Did you carry out anti-loan tickets that day?—A. I did, from half past 5 o'clock, as soon as they were assorted out, and distributed them.

Q. What time did you get to the twentieth district?—A. I guess I did not get there till about half past 8 or 9; but there were anti-loan tickets out. A good many persons came to the office and got them.

Q. What time did you get to the twenty-first district?—A. A few minutes after I left the twentieth district. I did not drive the horse with a watch in my hand all the time.

Q. Did you get there before 10 o'clock in the morning?—A. Yes; I should judge that I did.

By Mr. POLAND:

Q. To whom did you give the anti-loan tickets in the twentieth district?—A. The men who were superintending the district and had charge of the tickets.

By Mr. CRANE:

Q. Did you come to the fifteenth district again after you saw me?—A. I did, about half past 2 o'clock. I understood that they wanted more tickets, and I went to the office for them and brought them there.

Q. What time did you come to the fifteenth district that day with anti-loan tickets?—A. About half past eight in the morning. I left them with three or four men.

Q. Name one of the men.—A. I gave one package to Allan Clark. There were plenty of anti-loan tickets in the district, but very few persons called for them.

By Mr. CHIPMAN:

Q. What instructions had you from Mr. Cook?—A. To distribute those tickets in the different districts and to get them out as soon as I could.

Q. Both the anti-loan and loan tickets?—A. Yes, both of them; and in order to do so I drove my horse pretty hard and had to change him about half past 11 o'clock.

Q. You were not told to discriminate?—A. No, sir. No one asked me for anti-loan tickets who did not get them. In fact, a good many persons whom I offered them to did not care for them.

By the CHAIRMAN:

Q. Did you take the loan and anti-loan tickets at the same time?—A. Yes. I delivered one just as early as the other. When I first met Mr. Crane I had only delegate tickets.

Q. Did you take Piedmont Railroad tickets?—A. Yes, sir; they were delivered at the same time and at the same places. Where there were not enough tickets I went back and got a new supply.

k and

WASHINGTON, April 20, 1872.

FRANCK TAYLOR recalled.

By Mr. GREEN:

Question. Did you vote at the last election?—Answer. I did.

Q. Did you find any difficulty in getting anti-loan tickets?—A. Very considerable. I did not get any at all.

Q. Did you make any effort to get one?—A. Yes. I stood for nearly an hour at the polls on Pennsylvania avenue, immediately opposite the Globe office, and I went to the judges several times, and I told them it was a shame; that they ought to send and get them. Finally I took out my pencil and took the ballots for the loan and for the Piedmont Railroad and was proceeding to strike out the "for" and write "against," when somebody told me not to use pencil, as India rubber was plenty. But I could get no ink, and so I erased "for" in the two tickets and wrote "against" in pencil. I then went to the judges' window and showed the tickets and asked whether they would be counted, and they said they would. One of them I know personally, and I said to him, "I look to you to have that done." I was there an hour nearly or quite.

By Mr. CHIPMAN:

Q. Was there any scarcity of loan tickets?—A. No, sir; I saw plenty of them.

Q. And you had only to strike out "for" and write "against." How far was that from the Morrison building?—A. A couple of hundred yards. It was opposite the Globe office, on the south side of the avenue.

WASHINGTON. April 20, 1872.

EDWARD B. HUGHES sworn and examined.

To Mr. GREEN:

I reside on Ninth street east, between East Capitol and A street south. That is in the twenty-first district. I took some part in the last election. I was at the polls all day. I voted for the loan myself and was an advocate for it; but there were no anti-loan tickets there the whole day. This man [pointing to the witness Mallory] came there about 2 o'clock, but I do not know that he gave out any anti-loan tickets. Mr. Langley, a property-holder down there, wanted to vote against the loan and asked me for a ticket; I told him I had not seen any, and do not think he voted against the loan at all.

By Mr. CHANDLER:

Q. How do you know that Mr. Mallory had not been there at half past 8 and delivered anti-loan tickets?—A. I was there all the day, and I know they did not come till half past 2. There appeared to be a general rush of most of the office-holders at 2 o'clock. We had a hot contest for the two delegates. There were no anti-loan tickets on the ground.

Q. Was there any demand for them?—A. Mr. Langley asked me for them. This was at the first precinct of the twenty-first district. Very few votes were polled against the loan there.

Q. Were there any voters who wanted to vote against the loan and had no opportunity?—A. Mr. Langley was one. Dr. Loomis wanted to vote against the Piedmont Railroad, and he wrote out his ticket.

By Mr. CHIPMAN:

Q. Was there anything to prevent voters converting an affirmative ticket into a negative one?—A. The question was raised that it would not be counted. I expected that it could have been done legally, but the tickets were got up very cute.

Q. Would it have required very much talent to strike out one word and write another?—A. No, sir.

Q. Do you know any one in the district who desired to vote against the loan and had not an opportunity?—A. Mr. Langley, and, I presume, his boys—four or five.

Q. Had they not the means of writing "against" instead of "for" on a loan ticket?—A. I expect he thought it would be thrown out. That question was raised there.

Q. Are those the only instances that you know of?—A. Yes.

By Mr. CHANDLER:

Q. Did Langley and his sons vote against the loan?—A. I do not think that Mr. Langley voted against the loan.

Q. Because he could get no ticket?—A. Yes. The sons were against the loan, but I cannot tell you whether they voted or not.

On application of Mr. Green, the committee proceeded to the National Hotel to take the testimony of W. S. Morse, who was too ill to attend at the committee-room.

WASHINGTON, D. C., April 20, 1872.

WILLIAM S. MORSE sworn and examined.

By Mr. GREEN:

Question. State, in your own way, what you know in regard to the contract for the Fourteenth street pavement?—Answer. I would like to make an explanation. I have this matter in the hands of my counsel, and I do not want to allow this investigation to take advantages which will come in court against me. There was a bill passed by the corporation of Washington for the paving of Fourteenth street, constituting a commission composed of the mayor, Mr. Burgess, Mr. Holden, Mr. John S. Crocker, John F. Cook, John H. Booker, and a gentleman by the name of Lewis, who was a member of the council, but I do not know his first name. He was a member of the board. That commission, after the passage of the law, met and passed a vote adopting my block for the paving of Fourteenth street, known as the Morse block. I was absent from the city at the time. I was subsequently informed by authority that the vote was to direct the mayor to contract with the owners of the Morse block for the

pavement of Fourteenth street. Upon my arrival here, in the city, I met Mr. Hewitt, with whom I had an agreement to do business in contracts, understanding that we were to be equal partners for whatever work would be secured. He stated to me that the contract had been so awarded; that he had been compelled to make some concessions which he desired me to agree to. He then stated to me that it had been requested on the part of the mayor that Mr. Lewis have an interest in that contract. I had, before this, objected to Mr. Thomas Lewis being connected with us in business. I did not regard him an honest man. I had reasons for so thinking. He stated that we could not help it; it had to be done. As he was a wealthy man, and his name would be of assistance to us in raising money, I agreed to it. He then stated to me that he had agreed to give Peter Campbell 10 per cent. of the profits.

By Mr. CHANDLER:

Q. Mr. Hewitt said this?—A. Yes, sir; and he said he did not want it mentioned, as Campbell was a member of the legislature. Something was mentioned about it being kept a matter of honor between ourselves. Up to this time I had not seen the contract itself. He said that the mayor desired him to produce something from me that Hewitt had the right to make this bid. I offered to go with him to the mayor, but he wanted it in writing. This was on the 8th day of May last, and I went to Mr. Coombs to secure a blank form of a patent assignment, and signed a one-half interest of the patent for this District, the consideration being \$1,000, but no money was passed between us. It was a matter to satisfy Mayor Emery. Mr. Hewitt filed this assignment in the Patent-Office, and the contract is dated on the 5th of May.

By Mr. CHIPMAN:

Q. I thought you stated the assignment was on the 8th of May?—A. I say it was on the 8th day of May when I had the conversation. The contract was previously signed during my absence, on the 5th of May. I asked to see the contract, and was told by Mr. Hewitt that it was in the hands of the mayor; and it was several days afterward before I saw it. I then saw it was written without my name appearing in it in any form. It was written in favor of R. C. Hewitt & Co., but Thomas Lewis represented the company. I then asked that my equal interest be assigned in the contract; I desired my name to appear. Mr. Hewitt refused to grant that, but asked me to write anything I wanted to. He said he was speaking for Mr. Lewis, but Mr. Lewis was not present. I dictated to Mr. Pechin, the mayor's clerk, an assignment of an equal interest in that contract to me. He took it down in short-hand, and subsequently entered it upon a blank part of the contract. He made the assignment, and Hewitt refused to sign it. I called upon him to know what he meant. He talked the matter over, and spoke of this matter of honor, referring to Campbell, and I said, "I can hold myself bound in honor with you, gentlemen; but I want my interests protected as well as any one else." In that conversation he declared that he never told me that Campbell's interest was 10 per cent., but that it was one-fourth of the profits.

Q. When was that conversation?—A. It was between the 8th and 15th of May. As soon as I was able I followed it up as closely as I could.

Q. You stated that he denied that it was 10 per cent., but that it was one-fourth of the profits?—A. He denied it was 10 per cent., but that his interest was one-fourth of the profits, and that another party was to have the 10 per cent. referred to. That caused me to get nothing signed for months. It ran along till August following. In the mean time I had been taken down with the disease of the lungs, and lay upon my back. I was taken down in July. Mr. Hewitt stated to me the reason why they did not want my name in the contract was that my health was in such a condition that if I died my wife would cause the work to stop. My physician had ordered me to leave for a change of climate, and he thought it would result unfavorably to me if I remained here. I threatened Mr. Hewitt with law unless he made some assignment of the interest in the contract to me. He said to me, "You know me well enough; trust the matter to my honor;" that Pete Campbell wanted no paper. I told him he was liable to die as well as I, and I asked this for my family as a protection to them. I had frequent conversations with the individual members of the board to urge them to allow the work to go on. They satisfied me that they desired no advantages against our contract; neither did they desire to show any partiality to us over anybody else; that when the general order for work was given the order would be given for that contract.

During this period the change in the government had taken place and the work had stopped, and I urged the board to carry out that contract. They never showed any disposition to interfere with it. They told me that when they saw their way clear to go ahead they would give the order. I finally received an order—a note directed to William A. Cook, signed by Colonel Magruder, asking him to re-write the contract, and I think that note says to him recognize my interest in it. I carried it to Mr. Cook. The exertion in securing that threw me on my back. When I was able to go out, in two or three days, these men, Hewitt, Lewis, and Campbell, had caused that contract to be written in the names of Thomas Lewis and R. C. Hewitt, securing their own interest. I think Mr. Mullett's name had not yet been signed. I asked William A. Cook for an explanation. He said they desired to give me a

separate paper, and said he was going to draw it. I afterward saw it, and it contained propositions that went on to state that I was to have an interest in the contract, with several whereases put into it, but not exactly the truth, and it then assigned me an interest in that contract to the extent of one-fourth of the net profits. At this time, when I read that, there were present Mr. Lewis, Mr. Hewitt, Mr. Campbell, Mr. Cook, and, I think, Benjamin N. Meeds, and Dr. Tindall.

Q. That was up on Seventeenth street?—A. No, sir; it was at the club-house on E street. I refused at first to take this paper, and William A. Cook assured me that he had stated, upon his professional honor, that I had all the rights under that assignment that I would have if my name was written in the contract; the same as if my name was written in the body of the contract. I was to bear an equal portion of the expenses by that agreement. The parties that signed this were Hewitt, Lewis, and myself. It was understood that Mr. Campbell was interested, and represented a one-fourth interest in the profits at that time.

Q. Was anything said in relation to Mr. Campbell's interest in the presence of William A. Cook?—A. No, sir; during a portion of the transaction Mr. Cook was absent, down-stairs.

Q. Did Mr. Campbell speak of his own interest at any time?—A. There was no misunderstanding between him and me that he represented an interest in the contract. He said to me he was willing to trust Bob Hewitt, and did not want any paper. Mr. Hewitt, however, ordered another paper to be drawn, which was to cover Campbell's interest.

Q. Did he make that statement while Colonel Cook was present?—A. Colonel Cook did not hear it. Mr. Hewitt ordered another copy of this assignment to be made, stating to me that it was for Pete, as he termed Campbell, and asked me if it would be necessary for me to sign it, and I told him no, as the contract stood in Hewitt and Lewis's names, and it would not be necessary for me to sign it. I met Mr. Campbell accidentally in Mr. Shepherd's store subsequently, and I had secured a statement myself from the clerk from the book of our work; and another statement was made by Mr. Hewitt and handed to me, as to the expenditures on the work. It contained errors—serious ones to my interest. I asked in this meeting of Campbell in Mr. Shepherd's store, if he had seen one of those statements, supposing he had received one as well as myself, and he said he believed he had seen one knocking around Bob's office, but that he was out of it, and had nothing to do with it any more; he had sold out to Hewitt. He said he knew there was going to be just such a muss, and he sold out. I asked him what interest he sold. Well, he said he had lumped it up, and that he would not be bothered with it. I think they were his exact words. I asked him if it was 10 per cent. or one-fourth of the profits. He said there had been some talk about one-fourth.

Q. Did he state the amount which he had received?—A. No, sir.

Q. You have now stated up to the time that Campbell said he had got out of the thing.—A. Yes, sir; my interest in that contract was reduced from a one-half interest as by agreement, as between God and man, entered into between Mr. Hewitt and myself, by Lewis being admitted to have one-fourth and Campbell having one-fourth.

By Mr. CHANDLER:

Q. Do you know whether Mr. Campbell ever received any money from this?—A. He told me he did.

Q. How much did he tell you that he got?—A. He told me he paid \$400 to a certain man.

By Mr. CHIPMAN:

Q. How much did he say he had received altogether?—A. He did not give any amount. There was a check drawn to the order of Peter Campbell, which he, Hewitt, said had been used for electioneering purposes.

Q. Who presented that check?—A. Mr. Hewitt presented it as a voucher.

Q. Was Mr. Campbell present?—A. No, sir; but his name is on the back of the check.

Q. And nobody told you but Hewitt?—A. No, sir.

Q. That is on the part of Hewitt?—A. Yes, sir.

Q. Do you know that that charge of \$500 was paid out of the proceeds of the contract by Hewitt to Campbell?—A. No; I do not.

Q. May not that check have grown out of some other transaction?—A. Yes, sir; I think the charge is a fraud. I have been told that it was a false charge.

By Mr. CRANE:

Q. Is there not a bill brought in for groceries, or something of that kind?—A. No, sir.

Q. Have you stated now all the connections Mr. Campbell had with it?—A. I have stated all the connections Mr. Campbell had with this matter to my personal knowledge. I will say that Mr. Campbell has met to consult and confer about the business of the street. I was brought from Williamsport in reference to making bids for other work. Mr. Hewitt insisted that Campbell's one-fourth interest should be secured in all the other work, and the bids were made in the name of William S. Morse & Co., to represent Thomas Lewis, Hewitt, Campbell, and myself. Other bids were made also in the name of Thomas Lewis & Co., to represent Hewitt, Lewis, Campbell, and myself. Our prospects were discussed. In

writing the bids another person was present, (Major James E. Doughty,) who wrote the bids in each case for William S. Morse & Co. and Thomas Lewis & Co., and that Lewis caused those written in the name of Lewis & Co. to be written in another hand, so that they would not be recognized as both coming from one handwriting, and those bids are almost identical in language. Hewitt put in a check of \$1,000, in accordance with the requirements of the board for bidders.

By Mr. CHANDLER :

Q. How much money have you received in all from that contract?—A. Not one dollar. None of us put in a dollar; none of us had any ready money. Mr. Hewitt made arrangements with the Bank of the Republic for the use of such money as we would require for the execution of the work at the given rate of interest, which is charged in the expenditures for the work.

Q. Now, major, you have brought a suit to recover part of this money?—A. I have placed it in the hands of my counsel with a view of having the court appoint a receiver, or to secure proper bonds for an honest expenditure of the money.

WASHINGTON, D. C., April 24, 1872.

PETER CAMPBELL, recalled at his own request, was examined as follows :

By Mr. CHANDLER :

Question. Had you any interest in the contract for paving Fourteenth street?—Answer. None whatever.

Q. Did you or not request that the contract with Lewis & Hewitt, for paving Fourteenth street, should be made in Mr. Lewis's name?—A. I did not.

Q. Did you give Attorney Cook any instructions in relation to it?—A. None whatever.

Q. Was it understood that Major Morse was to have one-fourth interest in the contract given to Lewis & Hewitt, for paving Fourteenth street, at the time it was written?—A. No, sir; there was no understanding of that character at all with me.

Q. Did you ever indicate to Mr. Morse that you had any interest in that contract?—A. No, sir.

Q. Did you ever state in Mr. Shepherd's store, to Mr. Morse, that you had sold out your interest in that contract?—A. I was at Mr. Shepherd's store one day, and was waiting to have an interview with him, when Major Morse came in and began to talk about the contract with Lewis & Hewitt. Knowing, as I did, the relations that had existed between Major Morse and Mr. Hewitt, I became thoroughly disgusted with what he said. I did not wait for an interview with Mr. Shepherd. I got up and said to him that I was very much surprised to hear him talk in that way about his friend Hewitt, knowing, as I did, the intimate relations existing between them, and I turned to walk away, when he hailed me and said, "Have you not an interest in that contract?" I said, "No, sir." I did not have any conversation with him about the matter, and I did not want to have any further interview. I did not care to have any further connection with Major Morse in anything, more than I would with Crane himself.

Q. Did you tell him at that time that you had sold out?—A. I did not.

Q. Did you ever tell Major Morse that you had received money on this contract, or that you had ever paid out money on account of it?—A. Never.

Q. Did you indorse a check for \$500, made to your order by Mr. Hewitt?—A. I did.

Q. For what purpose was that check made?—A. Mr. Hewitt lives near me. I go over there frequently, and make it a kind of headquarters. I go over there to smoke a cigar and read the Patriot. I read the Chronicle and Republican at home. He asked me one morning if I would take a check for \$500 to Hallet Kilbourn, treasurer of the campaign funds. I said I would, and he gave me a check for \$500, payable to my order, which I indorsed, and took it down to Hallet Kilbourn.

Q. Was that a voluntary contribution for political purposes?—A. I do not know what it was. I do not know whether Mr. Hewitt paid it out of his own pocket, or whether Mr. Lewis paid it, or whether it was on the joint account of both.

Q. Did you and Major Morse and Mr. Hewitt and Mr. Lewis have an interview in Mr. Hewitt's office, on the subject of this contract?—A. I did not. Major Morse may have been in Mr. Hewitt's office with Mr. Lewis when I was there, but I never took any interest in that contract, except in endeavoring to get the board of public works to recognize it. These gentlemen have worked hard for me—I do not think they know themselves how much they have done for me—and I was very desirous that they should have their contract recognized by the board.

Q. Have you read the testimony of Major Morse?—A. I have read it over.

Q. So far as the material statements in the testimony are concerned, state whether they are correct.—A. They are not correct. In saying that, I do not want the committee to believe that I would impute to anybody who comes up here to testify under oath a willful false-

hood, but I consider that Major Morse's mind is like his body—that it is affected; that he is a victim of morbid insanity. I am sorry that Colonel Magruder is not here to testify in regard to the statements he made. I would like to have him interrogated in regard to it.

WASHINGTON, D. C., April 24, 1872.

R. C. HEWITT recalled and examined.

By Mr. CHANDLER:

Question. When the contract was made between you and Mr. Lewis and W. S. Morse, in regard to the Fourteenth street pavement, was it understood that Mr. Campbell was interested in one-fourth of the profits?—Answer. It was not.

Q. Did you state to Major Morse that you agreed to give Mr. Campbell 10 per cent. of the profits?—A. I never told him anything of the kind.

By Mr. ELDRIDGE:

Q. Did Mr. Campbell have any interest in that contract?—A. He did not.

By Mr. CHANDLER:

Q. Did you say that you did not want it mentioned, as Mr. Campbell was a member of the legislature?—A. I did not.

Q. Did Mr. Campbell meet with you and with Mr. Lewis and Major Morse for the purpose of consulting about this contract?—A. He never did. He may have come into my office at some time when we were speaking on the subject. I remember at one time, while we were talking about the bid that was to be made out, that I invited him into another room. I think that is the only time when Mr. Campbell was present while we were talking on the subject.

Q. Did Mr. Campbell ever take any interest in that contract except a friendly interest?—A. None whatever.

Q. Has Major Morse ever received anything on account of that contract?—A. In regard to that I will state we are having a little litigation on account of that contract, and I would not like to answer your question in that way. I have paid him \$10,440 and some cents, the vouchers for which are in the hands of my counsel, and I do not like to state anything further about it except to add that it would not have been paid but for his relation to that contract.

By Mr. ELDRIDGE:

Q. What was this check which you gave to Mr. Campbell for \$500?—A. I understood it had been customary to contribute money to the political fund of the District; I consulted Major Morse in relation to it, and he told me I had better send down \$500. He states in his affidavit that he thinks it was a forgery. I have the check with me, signed by myself, with Hallet Kilbourn's indorsement on it.

Q. That was simply a contribution to the political fund?—A. Yes, sir.

By Mr. COOMBS:

Q. I did not understand what you have said in regard to that \$10,440?—A. I said I paid it on account of Major Morse's connection with this work, and that I should not have paid him any money except for his connection with the work on Fourteenth street. That is all I desire to say in regard to it. He received the money from my hands, and I have his acknowledgment for it.

Q. It was in part payment on account of this contract?—A. I will only say that he received the money at my hands, and that it was the company's money.

Mr. Chipman stated that Major Morse had also declined to answer questions on that subject on account of the litigation going on.

WASHINGTON, D. C., April 24, 1872.

W. A. COOK recalled and examined.

By Mr. CHANDLER:

Question. State what you know in regard to the Fourteenth street contract, and as to any connection of Major Morse and Peter Campbell with it.—Answer. I simply know that the contract was originally made with the old corporation of Washington for paving Fourteenth street, with Messrs. Hewitt and Lewis. Subsequently the board of public works desired to obtain control of that work, as well as others, and inquired of me whether the contract could be made in the name of the board of public works. They finally directed me to have a new contract prepared in the name of Hewitt & Lewis for that work, which I did. That was on the 14th of August.

By Mr. ELDRIDGE:

Q. Did any one before you disclose that Mr. Campbell had an interest in that contract, and was anything said by Major Morse or any one else in the presence of Mr. Campbell on that subject?—A. Nothing. Mr. Campbell came into my room several times while we were engaged in fixing up various matters pertaining to the business of the District government. Messrs. Hewitt & Lewis came in one day and asked me if I would draw up a contract between Major Morse and them. I did so, assigning one-third interest to Major Morse by Lewis & Hewitt, the original contractors. The statement made by Major Morse, that Colonel Magruder sent me a note asking me to draw up a contract in the name of Morse & Co., is entirely incorrect. If he had done so, it would have been so entirely in conflict with the order of the board, which I had, that I should have declined to do it.

Q. Was there anything said in your presence and in the presence of Mr. Campbell by Major Morse, or any one else, about Campbell having an interest in the contract in any way whatever?—A. Observe, if you please, this—

Q. I want you to answer my question.

WITNESS. I can only answer it by making this statement.

Mr. ELDRIDGE. Then I will not compel you to answer it.

WITNESS. I desire to answer the question directly and fully. There was no connection of Mr. Campbell, so far as I could gather from any of the parties, with the new contract, which I prepared between Hewitt & Co. and the board of public works. Now I have only stated a part of the truth, and I desire to state the remainder with your permission. The original contract, as I have said, was made with the corporation of Washington, and it was the original intention of Hewitt & Lewis, as I understood, to allow Mr. Campbell an interest in that contract; but after the contract passed into the hands of the board of public works, Mr. Campbell positively declined allowing the interest he was previously to have in it to remain. He declared in my presence that it should be positively thrown away. There was no assigned interest in the original contract before; but they proposed to give him an interest. When the contract was made with the board of public works, however, he declined absolutely to have anything to do with it or to receive any interest.

Q. He had then become a member of the legislature?—A. He had then become a member of the legislature, and stated distinctly in their presence, and in my presence, that he would not have anything to do with it.

By Mr. CHANDLER:

Q. You state that one-third interest was to be conveyed to Major Morse?—A. That was a mistake; I should have said one-fourth interest.

Q. Did you state to Major Morse, on your professional honor, that the contract between him and Hewitt & Lewis would have the same effect as if his name had been in the original contract?—A. I told him that this would secure him a one-fourth interest just as fully as if his name were in the contract, except that he would have no responsibility with the board of public works; that that would rest entirely with Hewitt & Lewis.

WASHINGTON, April 17, 1872.

General GEORGE S. GREEN recalled.

By Mr. CHANDLER:

Q. I would like to have you explain to the committee the drawings showing the construction of Tiber arch and how the working drawings were finally made out.—A. There were two different drawings of the arch upon the Tiber. This was a modification, to give about the same capacity and about the same width as the one above. The upper end of the arch is a little different from this—about 18 inches higher. I think this plan was made for the lower end.

Q. How were the drawings of Williams and Bartlett?—A. I do not know; I did not furnish them.

Q. If they were furnished with a skew-back in the arch, state the difference in the value of the arch.—A. Their contract was to make an arch similar to the one below; but the Tiber arch is much stronger and somewhat higher than the lower one.

Q. Have you examined the work on the arch?—A. I have been there occasionally.

Q. Is it properly constructed?—A. I think it is a substantial work. I believe the work will stand.

Q. I only wish to ask you in reference to the capacity of the sewers that were proposed to be adopted by the board of public works for carrying off the drainage at Tiber Creek. There seems to have been some question whether or not the waters will be carried off.—A. I had a survey of the entire valley made, and calculations were made in regard to the whole area and the drainage of the Tiber as it comes in; and the capacity of the sewers was intended to correspond to the amount of drainage required. The sewers are adapted to the

size and area of the streets and the flatness and steepness of the valley. These are larger than for the London drainage, where they have, certainly, as heavy showers as we do; they report two inches an hour in some cases of the rain-fall, which we never had here.

Q. Have you examined the testimony put in here from time to time?—A. I have not, except as I have read it more or less in the papers.

Q. Are you still of the opinion that the Tiber sewer is adequate to any emergency?—A. It is made upon calculations. The area and the amount of space to be drained are the bases that determine how much water will run off in the sewer in a given time; after that the rest is a mathematical calculation to see how large a sewer will be required.

By Mr. ROOSEVELT:

Q. Did you examine the map with reference to the F street grade?—A. I have examined it. That purports to be a map by Mr. Coyle. He gives two figures: the red as those of Mr. King, and the blue as those recommended by himself for the change of the grade. The grades on F street are 2 feet 4 inches to 2 feet 8 inches. On Eighteenth street they are 8 feet; and 3 feet on Nineteenth street. These were within a few inches of Mr. King's grades, as he states.

Q. Do you know that Seventeenth street was made to conform to these grades?—A. He states so.

Q. Do you know whether the grades have been changed from the time the map was made up to the time of the board of public works commenced their work?—A. I think not.

By Mr. ELDRIDGE:

Q. What is your opinion of the grade of F street and of the corresponding grades of the streets crossing it?—A. I think they are judicious. I did not examine the question as to the comparative expense or the effect on property.

Q. Have you had occasion to change that opinion during these long months that the committee have been examining the question?—A. No, sir. I think the grade is advantageous to that part of the city.

Q. Have you made the same calculations with reference to the capacity of the Missouri avenue sewer?—A. Yes, sir. I propose to put in a cutting-off sewer on F street to G street, which will carry the water into the Tiber where the arch is sufficiently large. That will leave a little over 450 acres to be drained into the Missouri avenue sewer.

Q. Have you any doubt as to the capacity of this sewer?—A. I am satisfied that it will be large enough. It will not require a grade of more than a foot in a mile to carry all the water that will flow into it.

By Mr. ROOSEVELT:

Q. Until that cutting-off sewer is made, will the Missouri avenue sewer answer for that part?—A. Yes, sir; for that part.

Q. Is that cutting-off sewer that you speak of, being built?—A. No, sir. It is not a very large one. It runs from 30 to 65 inches. The plans for that sewer will be furnished in a few days.

Q. Until this is done the canal should not be filled up?—A. It should not be. Both of the sewers will have to be built before the canal can be completely closed.

By Mr. CRANE:

Q. Did not you state that the profile presented here represented the established grade for the city for the last twenty years?—A. I did not.

Q. What is that plan presented here?—A. It purports to be a plan of Mr. Coyle, in which he states that the grades which are recommended by Mr. King are in red, and the grades proposed by himself are in blue; and he speaks of doing the work under a resolution of the common council.

Q. Is there no record to show that that grade was ever adopted?—A. Not that I know of. There is a book of grades, but I do not recollect what is in it.

Q. At the time this profile was made do you know whether there were any sewers there?—A. I have not examined that matter. I do not know when the map was made. I do not know anything about the city at that time.

Q. You stated when you were here before that you were making a plan of sewerage for the city?—A. Yes, sir.

Q. Is it completed?—A. No, sir; a part of it is completed only.

Q. You said that your plan was to carry the Missouri avenue sewer to Twenty-seventh street?—A. Yes, sir; if any change was made in the harbor it would come there to reach deep water.

Q. And that you intended to flush it by the tide?—A. Yes, sir; and by the Tiber, also, which can be turned into it.

Q. Have you read the testimony of Mr. Shepherd on that point?—A. I do not think I have.

Q. You stated that you proposed to divert the water at the northern boundary, and run it off east and west?—A. No; I said that we had made an examination for that purpose; but I do not propose to do it.

Q. Does Mr. Shepherd represent your views on that point?—A. I do not know that I have seen all his evidence; a portion of the water may be carried into the Eastern Branch, but I do not recommend it, because I think it will be well to carry it the other way.

Q. What do you propose to do with the Eighth street sewer?—A. It will be taken into the other sewers. I propose to carry it straight down to G street, and then down G street to First street west, where it will meet the main sewer.

Q. You propose to take the water that comes down Eighth street, eastward, as it now runs?—A. Yes, sir.

Q. What proportion of the water do you take to the Eastern Branch?—A. I do not propose to take any. There is an area of some 1,580 acres that can be taken that way. I thought at first it might be best to do it, but on examining the size of the sewer I do not think it will be necessary.

Q. When did you decide upon bringing the water down Tiber Valley?—A. About a month or six weeks ago.

Q. Did you notify Mr. Shepherd?—A. I sent in the plan.

Q. Has the board of public works adopted it?—A. I do not know.

By Mr. ELDRIDGE:

Q. Are you engaged altogether in making plans and devising the sewerage of the city?—

A. I give what time I choose to it; I have no other work for the city. This work I am doing under special contract. I am under a salary for that work.

By Mr. CRANE:

Q. Do you know the fall from the boundary to the Botanical Garden?—A. I think there is one point near the boundary which is about forty-three feet above tide-water.

Q. How much is that per mile?—A. The sewers are graded to fall from two-tenths of a foot to a foot in a 100 feet.

Q. Is not that about twenty-seven feet in the mile?—A. Perhaps about that for a mile and a half.

Q. Are you aware that the Tiber sewer has often been full of water?—A. I have seen it about even full, but about one-half of the bottom was filled with mud, not giving it its full capacity.

Q. Do you think that its capacity here is sufficient?—A. I think it is more than is necessary. I am very confident it is sufficient under any circumstances. The water in the canal comes down gradually, and puts the water which is in the canal in motion, giving it a gradual slope that will carry it off.

Q. Have you estimated the number of pounds to the square inch of pressure that this Tiber arch will stand?—A. No, sir.

Q. Can you give an approximate estimate?—A. No. There is no use in such an estimate.

By Mr. GREEN:

Q. Did you make that drawing which has been presented here?—A. No, sir; I did not make any drawing. I think it is made under my direction; I think it is a modification of the original drawing of the arch below the garden.

By Mr. ELDRIDGE:

Q. Was there a change of grade made under your direction on New York avenue?—A. Yes, sir.

Q. What was the occasion of that?—A. It was in order to make a better drainage, the streets being almost flat between certain blocks.

By Mr. GREEN:

Q. What is the difference of the cost in constructing the arch in the way they are doing it above Pennsylvania avenue?—A. I do not recollect. There is more masonry there. I think the one is more expensive; it is something like eighteen inches higher than the other.

By Mr. CRANE:

Q. Do you not think it will be better to suspend the paving of the streets until you get the whole plan of sewerage matured and adopted by the board of public works?—A. I do not know that it would. Whenever they want a plan for a sewer, I furnish them in advance.

Q. How can you tell about them?—A. My plans are sufficiently advanced to determine that question.

By Mr. CHIPMAN:

Q. I would like to have your explanation of this plan of the arch.—A. This is a plan made up from the original plan, which is called the working plan. It is a modification of the one in the office; I do not think it is the plan sent to the contractor.

By Mr. ELDRIDGE :

Q. Is there any advantage in this plan over the other?—A. I think this is a stronger arch. There was a copy of the old arch from which this was made.

Q. This is not then the plan on which the arch was built on the upper side?—A. The one on the upper side is stronger. This is the plan on which I propose to build it on the lower side, corresponding with that opening below the garden.

By Mr. CHIPMAN :

Q. This is a plan of the continuation of the arch below the Botanical Garden?—A. Yes, sir.

By Mr. ELDRIDGE :

Q. Is the plan on which the arch is being built, better or worse than the one below the Botanical Garden?—A. I think it is better.

Q. You think the one these men are completing now is better than the other?—A. Yes, sir; it is higher and has a better curvature; it is about eighteen inches higher, and I think there is an increased width of the walls above.

By Mr. CHIPMAN :

Q. There has been a criticism on the work above the avenue, on the ground of its not resting upon a skewback, but that it rests perpendicularly upon the wall.—A. The arch there is brought down to a horizontal line; that gives it an additional height, which increases the expense somewhat, and at the same time increases its size.

Q. Is there any good ground for criticism on the plan as between an arch that is with or without the skewback?—A. No, sir; it was put in to make it higher.

Q. The skewback, then, was the result of the height rather than to add strength?—A. That is all.

WASHINGTON, D. C., April 17, 1872.

WILLIAM FORSYTH recalled.

By Mr. CHANDLER :

Question. Will you examine these two plans sent in by Mr. Randolph Coyle, and tell us what they are? [Plans examined.]—Answer. They are the production of Randolph Coyle. I was his assistant when these were made in 1853. This is the original plan. There are some alterations in the old plan here recommended by Mr. King.

Q. State if you know why the original grades were not carried out at that time, and why F street and the other streets in that vicinity were reduced?—A. In 1853, when we commenced Pennsylvania avenue, the Secretary of the Interior, Mr. McLellan, wanted to have Seventeenth street and New York avenue improved. We commenced on New York avenue, but Mr. King was chief clerk in the Treasury Department, and he got out an injunction, and the work was suspended. Mr. Coyle's grades were carried out on the low lands.

By Mr. ELDRIDGE :

Q. Was that injunction suit ever determined?—A. No, sir; the Secretary never pushed the matter. The Government concluded not to improve New York avenue at that time.

Q. At that time where were these grades kept?—A. In my office, in the City Hall.

Q. What is your office?—A. Surveyor of the district.

Q. By whom are you appointed?—A. By the governor.

By the CHAIRMAN :

Q. By whom first appointed?—A. I was elected for ten consecutive years, from 1857 to 1867.

By Mr. ELDRIDGE :

Q. Have you had charge of this map all that time?—A. All the time, except when Mr. Coyle had that in his charge. He is now dead.

Q. Did he remain in the office up to the time of his death?—A. Yes, sir.

Q. What was his office?—A. He was appointed by the United States to establish grades.

Q. You were elected by the city?—A. Yes, sir.

Q. Has any one held that office since that time but you?—A. Mr. Charles H. Bliss and Mr. Donegan were elected since 1867.

By Mr. CRANE :

Q. At what time was Mr. Coyle authorized to fix the grades of the city?—A. I think it was in 1852.

Q. At the time that map was made?—A. Yes, sir.

Q. Was that grade fixed upon at that time?—A. Yes, sir.

Q. Did the councils ever pass an act authorizing that to be established?—A. Here is a note in regard to it; it was under a resolution of the councils; but whether approved or not afterward I do not know.

Q. Are there sewers that have been put down since that period?—A. Yes; from Pennsylvania avenue, on Seventeenth street, to the canal.

Q. Was it or not the intention to grade all that region and fill up the low grounds?—A. That was the opinion of Mr. Coyle. I was employed by him in 1853, and made the estimates for filling up. It has always been in a bad condition, and it was filled up then some seven feet.

Q. Was it the intention to cut the streets and leave the lots as they are now?—A. It was not, of course. Some were anxious to have the streets cut down, Captain Whitney among others; but a good many others were opposed to it.

Q. Did you fix the grade for cutting down the alley that leads from Eighteenth street to Brooks's stable?—A. The change of grade made it necessary to do so.

Q. Did you order the work to be done?—A. No, sir; it was ordered by the board of public works.

Q. Did they give you a written order to do it?—A. No; a verbal one.

Q. Is that a public or a private alley?—A. A private alley.

Q. Has the board of public works any authority to cut down a private alley?—A. I know George Phillips and others who owned houses there were anxious to have it done. George Phillips said he would have it made a public alley.

Q. Do you know whether the bills have been sent to the parties?—A. I know nothing about it.

Q. You say you are surveyor of the city; do you hold any other office?—A. I do all the measurements for the board of public works; I am paid the same as any other person.

Q. Are you not first assistant engineer for the board of public works?—A. No, sir.

Q. What is the office you hold?—A. The office of assistant.

Q. What salary do you receive?—A. Three thousand dollars.

Q. What do you receive as surveyor?—A. Eighteen hundred dollars.

Q. Do you give bonds as surveyor?—A. Yes, sir.

Q. Do you sit on the board of public works?—A. No, sir.

Q. You say you made what is called the comprehensive plan for the board of public works?—A. Yes, sir.

Q. It has been stated here that there was a mistake in the figures; that you intended to put the cost of the Seventh street improvement at \$25,000?—A. Yes, sir; that was put down in the original paper sent to the publisher.

WASHINGTON, D. C., April 17, 1872.

HENRY HIMBER recalled.

By Mr. CHANDLER:

Question. Did you aid in sending out the tickets to be used on election day from William A. Cook's office?—Answer. I did.

Q. State what plan was adopted for sending them out?—A. We sent out tickets for and against the loan, the delegate tickets, and the Piedmont Railroad tickets; they were made up in packages.

Q. Were packages made up for every district?—A. They were.

Q. What plan was adopted for sending them?—A. The delegates usually came and got theirs.

Q. Were anti-loan tickets sent to every voting district?—A. They were, as far as I know; there were some who refused to take them.

By Mr. CRANE:

Q. Were any sent to the fifteenth district?—A. I just remarked that, as far as I know, they were sent to all.

Q. Did you send them by more than one person?—A. We generally sent them by two persons.

Q. Were those tickets sent out by you and Cook as members of the republican committee, or as corporation officers?—A. I was not a corporation officer.

Q. Did the general committee distribute them?—A. Mr. Cook sent them; he was a member of the general committee.

Q. Did he send them in his capacity as a member of the general committee, or as a corporation officer?—A. I do not know; we sent them as we had always done before.

By Mr. ROOSEVELT:

Q. Did you send all the tickets together?—A. We sent them as they were called for.

Q. Who called for them?—A. The delegates themselves, or others duly authorized.

Q. Then you did not send them at all unless they called for them?—A. No, sir; not while I was there; I was there from midnight till about daylight.

Q. Did you have all the anti-loan tickets needed at that time?—A. Yes, sir; there are some there now.

Q. Did you send any tickets during the day?—A. I was not there during the day.

By Mr. CHANDLER:

Q. Do you know whether Mr. Cook sent out tickets in the morning?—A. I do.

Q. Do you know whether he arranged to send them to the different precincts?—A. I know he sent some. The people at my precinct would not take them unless I gave them to them.

By Mr. CRANE:

Q. What time were the tickets delivered to the Morrison building?—A. I went there at first about 9 o'clock in the evening; we expected the tickets at 12, and it was between 3 and 4 o'clock in the morning when I came away.

Q. Were the anti-loan tickets delivered at the same time the others were, at the office?—A. They were.

Q. Were they delivered from the printer to the Morrison building before you left?—A. Yes, sir; some for all the districts. There were both loan and anti-loan tickets there before I left.

Q. Do you remember that the messenger to the water board took a lot of tickets and delivered through the city?—A. No, sir; not that night.

Q. Then, while you were there, no tickets were delivered except to parties who came for them?—A. No.

By Mr. CHANDLER:

Q. You left about daylight?—A. A little before.

Q. Do you know any instance where a voter desired to vote against the loan, and had no opportunity to do so?—A. Not in my district, nor at the sixth. I went there from my own precinct.

By Mr. ELDRIDGE:

Q. Did you support the loan?—A. I voted for it.

Q. Did you take any anti-loan tickets to your precinct?—A. I did, and offered them to voters, Solomon G. Stover and others, and he refused to vote it because he thought there was a trick in it.

Q. Did you see any anti-loan tickets at the sixth precinct?—A. I did.

Q. Who had them?—A. Mr. Venning, and others.

By Mr. ROOSEVELT:

Q. What reason did Stover give for changing that ticket?—A. He thought it strange that I, being in favor of the loan, would have a ticket opposed to it.

Q. Were the indorsements different?—A. One was "for" and the other "against" it.

Q. On the outside?—A. No; it was all on the inside.

By Mr. CHIPMAN:

Q. Then all they had to do was to strike out "for" and insert "against"?—A. It was done so in that instance.

By Mr. ROOSEVELT:

Q. When the ticket was folded, could you tell whether it was for or against the loan?—A. Yes, sir; the color was different.

By Mr. ELDRIDGE:

Q. How many anti-loan tickets were cast in your precinct?—A. About 14.

By Mr. CRANE:

Q. Do you hold any office under the corporation, or are you a contractor?—A. I furnished stone; I was a contractor for G and Seventeenth streets; I have no new contract.

The following papers were then put in evidence by Mr. Chandler:

[Insert extract from report of estimate of improvement on Seventh-street road. A.]

[Also, "Statement," &c. B.]

[Also, letter of Captain Moore. C.]

[Also, letter of Mr. Shepherd. D.]

[Also, schedule of H. S. Davis. E.]

[Also, "Statement of assessed value," &c. F.]

[Also, "Report of A. Cluss and J. C. Rankin." G.]

Dr. T. S. Verdi was then requested to make a statement with reference to the constitution and action of the board of health. He commenced by citing the section of the act establishing the board, as follows:

AN ACT to provide a government for the District of Columbia.

SEC. 26. *And be it further enacted*, That there shall be appointed by the President of the

United States, by and with the advice and consent of the Senate, a board of health, for said district, to consist of five persons, whose duty it shall be to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof; to make and enforce regulations to prevent domestic animals from running at large in the cities of Washington and Georgetown; to prevent the sales of unwholesome food in said cities; and to perform such other duties as shall be imposed upon said board by the legislative assembly.

Approved February 21, 1871.

He proceeded: That is the act which created the present board of health. When we organized as a board we determined to investigate as far as possible the sources of disease, and the nuisances in the District. We found the city had been woefully neglected for many years, in consequence of which great repositories for miasmatic and malarial influences had grown up around us, while there was no attempt made by the city authorities, by board of health or by sanitary police, to remove them. There was no law to prevent people from selling unwholesome food in the District, and if there was any law it was inoperative, there being no attempt made to enforce it.

We found geese, hogs, sheep, cows, and other animals, running about the streets and making stable-yards of our lawns and of our side-walks. We found the canal and all the low grounds of the city spreading disease and malaria all around. There was nothing but a sanitary police, composed mainly of illiterate men, a majority of whom could hardly write their names. The sanitary police had an officer, a lieutenant, and ten men. No physician was connected with them; they were simply police officers; and these were the guardians of the health of the city of Washington.

It became necessary to make a thorough examination and to enact laws for the protection of the people. The laws made before were wholly inadequate and inefficient, as they were not executed. There were some laws in regard to taking up animals; and the police and sanitary police have attempted to take them up, but they were driven off by the people, and finally gave up the attempt. The board of health we had was without authority and without means. Whenever they passed any laws which would affect the people the voters at the polls would cause such members as endeavored to remove the nuisances to be dismissed; and finally they succeeded in sending men to the councils who would rescind the act creating a board of health.

Therefore, it was considered very wise, and the people were very grateful, when Congress passed an act establishing a board of health independent of local politics and local prejudices. We elected Dr. Cox, president and *ex-officio* sanitary superintendent; T. S. Verdi, secretary and *ex-officio* health officer; John Marbury, jr., treasurer; and D. S. Jones, clerk; Hon. George P. Fisher and Richard Harrington, attorneys; and B. F. Craig, chemist.

We also appointed committees on finance, on ordinances, a sanitary committee, a sanitary police committee, and a committee on epidemics. Each of these committees has its duties well defined. The committee on ordinances consider all proposals for the alteration of "existing rules, laws, or regulations, so far as they affect the sanitary interest of the territory," &c. The sanitary committee investigate causes tending to produce epidemic, communicable or preventable diseases; report upon the best mode of performing the work of the day and night scavengers, the water supply, drainage, and paving, so far as they bear upon health.

That was a terrible practice which had been going on here for twenty or thirty years, the butchers being in the habit of taking a tube and inserting it in the meat and blowing their breath, no matter how much diseased, into the meat, for the purpose of making it plump, and to appear fat. We have broken up that practice.

By Mr. ELDRIDGE:

Q. Was that an extensive practice?—A. It was practiced by every butcher here; they testified to it in the courts. We found that the sanitary police were inadequate and inefficient, as they were illiterate men. We commenced by dividing the city into districts and putting over each an inspector and sanitary inspector who is responsible for the condition of his district. He is to examine, every day, and report the nuisances that come under his notice; and the board order any nuisance abated. We have a sanitary inspector general to whom the inspectors report. Then we have a pound-master and a remover of dead animals; these are carried away and buried. We have also had the small-pox among us. Seeing that the city was liable to an invasion of that disease we took means to prevent it. We have vaccinated 30,000 poor people gratis, and have been able to keep away the disease to such an extent that the whole number of cases is only 136, while in Philadelphia they had three times that number in one week. We removed to hospitals 41; 20 have died and we had them buried, and twenty were buried by their friends. No one man can bring about a proper sanitary condition of a city, but a practical system should be thoroughly organized. We find Boston appropriating \$300,000 a year; Philadelphia, \$300,000, and Chicago, \$80,000, for the expenses of the board of health, to keep their cities in a proper condition of health. The board of health of New York publish a volume containing 628 pages, octavo, every year. Massachusetts has her State board of health also. The importance of such a

board in every city is acknowledged all over the world; and we find that as science progresses these boards instruct the people, and this is the only way in which we can prevent the spread of epidemic diseases which now and then invade our cities. I think that in a few years it may be possible to prevent such diseases as the plague and small-pox and other epidemics.

By Mr. CHIPMAN:

Q. Had you any system, before the new board was organized, by which mortuary statistics are obtained?—A. It was very imperfect. The physician was only allowed to send a certificate of health. Some did and some did not. Some undertakers took good care of the certificates, and some did not. The result was the reports were wholly unreliable. We went to the legislature to pass a law that no person should be buried without a permit from the board of health. That was the only means to insure that the case should come before the public; but the matter was defeated. And now people in Washington can be buried without any person being acquainted with the fact, unless some honest person should report it to the proper authorities.

Q. Do you find that considerable time of all the members of the board is required to discharge their duties?—A. We have in the summer two meetings a week, and in the winter three. We have committee business, reports being made to the board, and these reports are to be considered and acted upon, and then we have to travel all around town and examine houses that are not safe, and every nuisance that might endanger the life or health of the people.

By the CHAIRMAN:

Q. You stated that you vaccinated thirty thousand individuals gratis. In your opinion, would these poor people have attended to the matter themselves in season?—A. No, sir. We called all the physicians of the poor to our board, and consulted with them; and in conjunction with them we sent them among the poor, or otherwise they would not have been vaccinated. Some had objections, some had no time, and some were careless; and I do not suppose five thousand of these cases would have been vaccinated if we had not done it.

By Mr. ELDRIDGE:

Q. How do you ascertain the unwholesomeness of the different meats, fish, oysters, &c.?—A. We have experts, what we call inspectors—an inspector of fish, and an inspector of meats. The inspector of meat is a butcher—a man who is qualified. We also make examinations ourselves.

Q. Are these men employed by the board?—A. Yes, sir, and paid by them. We employ thirteen persons who do nothing else but that work. The meat-inspector is in the market, the fish-inspector is at the wharf, and examines the fish that come in; and the street-inspector examines streets.

Q. How many men are there in your employ?—A. Thirteen: an inspector general, ten inspectors, and a pound-master, and a remover of dead animals. We have also a clerk and messenger in addition.

Q. What is the whole expense for your board for the last year?—A. An appropriation was made of \$33,000.

Q. Will that be sufficient?—A. It will carry us through the fiscal year.

Q. Will it be more than enough?—A. No, sir; according to the work we have to do it is scarcely sufficient. The amount should not be less than \$50,000. This is a large city, and we want the inspector general to run over the city every day.

Q. Do inspectors report daily to him?—A. Yes, sir; he is constantly in his office during certain hours of every day, and makes personal examinations also.

Q. Have you not carriages in your employ?—A. No, sir.

Q. Do the men go on foot?—A. Yes, sir; except the inspector general, who is allowed \$300 a year for his horse.

The following is a summary of the action of the inspectors, for seven months, from the 13th of September, 1871:

Nuisances removed	3,000
Animals impounded	2,791
Dead animals removed	1,660
Oysters, bushels, condemned	4,860
Fish, bunches, condemned	3,523
Shad condemned	150
Herring condemned	114,500
Meat, pounds, condemned	3,421
Fowls, assorted, condemned	85

Mr. Chandler then presented the report of the regents of the Smithsonian Institution, which was received, and is as follows:

“ Report of the regents of Smithsonian Institution on the filling up of the canal.

“The executive committee, to which was referred the resolution of the regents of the Smithsonian Institution of the 22d of April, 1868, instructing it to ascertain what measures

are proposed to be taken by the city authorities of Washington in regard to the canal, so far as concerns the Smithsonian Institution, has examined the subject and now reports, for the information of the regents:

"That the Washington City Canal has been constructed under the authority granted by the following laws:

"On the 1st of May, 1802, Congress passed an act incorporating the Washington Canal Company, to raise \$80,000, and construct a canal from the Potomac to the Eastern Branch, to admit boats drawing three feet of water to pass through the whole extent of said canal, with the right to charge and collect tolls and wharfage. If not so completed within five years, it was to revert to the United States.

"This act seems to have expired by the failure of the company to execute the work, and on the 16th of February, 1809, Congress incorporated other parties to raise \$100,000, with the same title, to construct the canal through part of the city of Washington, as laid down on a plan of the city defining its limits, to admit of boats drawing three feet water to pass through it, and if, at any time, the canal shall become obstructed so that boats and scows drawing three feet water cannot pass through from the Potomac to the Eastern Branch, the company shall not collect tolls or wharfage, and all the rights under this act shall cease, unless the canal is completed within seven years from the passage of the act.

"Before the expiration of this seven years, and on the 6th of May, 1812, Congress authorized money to be raised by lottery for completing the canal, rendering it navigable, and draining the marshes and low grounds contiguous thereto; and on the 7th of May, 1822, authority was granted by Congress to the city of Washington to contract with the canal company to change the direction of parts of the canal, to drain and dry the low grounds on the borders of Tiber Creek.

"On the 20th of May, 1826, the canal company was authorized to increase the width of the canal along the present boundary of the Smithsonian grounds, and elsewhere, to one hundred and fifty feet in width, and also to construct basins; and within five years shall construct the canal through its whole length to contain water at least *one foot* in depth at ordinary low water.

"On the 2d of May, 1831, the canal company sold all its interest to the city of Washington, which was conveyed by a deed dated the 23d of July, 1831; and on the 31st of May, 1832, Congress confirmed this sale, and enacted that all the right, title, interest, property, and estate of the Washington Canal Company are vested in the mayor, aldermen, and common council, for the aforesaid use, with the *proviso* that the canal shall be finished and completed, of the breadth and depth and in the manner and within the time hereinafter prescribed, and not otherwise. The act then prescribes the width at different parts, and then that the canal, throughout its whole length and breadth aforesaid and the basins, shall have a depth of *at least four feet water at all times*, and that the whole shall be walled on its sides, and made suitable for steam vessels to be used therein, and finished by the 1st of March, 1833, and, in default, all the rights and privileges granted by this act shall cease and determine. No tolls or wharfage were allowed to be charged or collected whenever the canal was so out of repair as to impede the free navigation with four feet water. By the same act all the right, title, property, interest, and estate of the United States of, in, and to that part of the public reservation designated as the Mall was vested in the city corporation, in fee, to be sold, and the moneys applied to the construction of the canal. A street of eighty feet wide on the south side, in addition to the forty feet landing, was also authorized, and previous specified acts, conflicting with this act, were repealed.

"On the 2d of March, 1833, Congress appropriated \$150,000 to aid in fulfilling the objects and requirements of the act of 31st of May, 1832, provided the city corporation relinquished all title to the land vested in it by the eighth section of the act, and all the rights and privileges granted by the eighth, tenth, eleventh, twelfth, thirteenth, and fourteenth sections of said act.

"On the 3d of March, 1849, Congress appropriated \$20,000 for clearing out and deepening that portion of the canal which passes through and along the public grounds, provided the city expends a like sum in cleaning out and deepening the other portions.

"On the 3d of March, 1851, Congress appropriated \$20,000 for completing, clearing out, and repairing that portion of the canal which passes through and along the public grounds, provided the city expends a like sum in clearing and repairing the other portions.

"On the 23d of February, 1865, Congress authorized the city corporation to lay taxes * * to introduce the necessary *sewerage and drainage facilities* under or upon the whole or any portion of any avenue, street, or alley.

"On the 16th of February, 1866, a bill was reported in the House of Representatives creating a sewerage commission, with power to improve and regulate the Washington City Canal, as may be necessary; and on the 6th of March an amendment to the bill of the 16th of February, 1866, was reported, limiting the number of commissioners to three, giving them power to adopt and lay down a complete and uniform plan of sewerage, as it may deem necessary and most advisable, with reference to the public health and general interest; the city to raise \$150,000, to execute the work by contract, and the United States not to be responsible for an amount exceeding one-half the outlay or expenses incurred under this act. There was no further action on this bill or amendment.

About the same time, to wit, on the 7th of March, 1866, the Senate of the United States passed a resolution requiring the appointment of a board of United States engineers to report a plan for improving the *canal and sewerage* of the city. This board, on the 2d of April, 1866, made a partial report for the temporary improvement of the *canal*, which the city authorities adopted, and appropriated \$75,000 to carry into effect.

"Such is all the legislation on this subject the committee has been enabled to find, up to the end of the year 1867; from which it appears the United States granted to a company the right to construct the canal in question, on certain conditions and for specified uses; that this company sold all its rights to the corporation of the city of Washington, and the United States approved the sale and transfer, granted additional rights, and exacted additional facilities, limiting the uses to navigation by steamers, barges, and scows over the whole surface and length of the canal and basins, from the Potomac to the Eastern Branch. No authority is found for converting the canal into a sewer or recipient for the sewerage matter of the city, nor can the committee find that the purposes of the canal for navigation have ever been carried into full effect. It would further appear that the city can make no sale, transfer, disposition, or change of its rights, interest in and uses of the canal, without the authority of the United States, and it may well be questioned whether or not the city has lost all its rights in the premises, by failing to make the canal navigable and using it as a sewer and reservoir for the *excreta* from a large proportion of the population of the city.

"PROPOSED ACTION.

"On the 6th April, 1863, a bill was reported in the board of aldermen, granting to certain citizens all the rights now held by the city in the canal for a term of thirty years. It proposes to grant, for the sole use and benefit of the parties named, all the rights, &c., of the city to the canal, and all the rights conferred by the United States, under the act of the 31st May, 1833. The corporators are to narrow the existing canal, and deepen it to *one foot at low water*, and finish the same in June, 1873, and may collect tolls and dockage. The company shall extend all sewers now leading into said canal to the outer surface of the canal wall, and at no time interfere with the canal being used for sewerage. It was provided that this transfer, with the proposed modifications, be submitted to Congress for approval.

"The mayor of the city, in a communication to Congress of the 23d April, 1866, states that the condition of the canal is such as to require an abatement of the nuisance caused by deposits from the sewers, while the bill now under consideration of the council greatly increases and prolongs this nuisance.

"The committee concurs in the opinion of the mayor of the city that the proposed grant of the canal to a private corporation would be a grievous injury to the inhabitants of the city, and would defeat the much-desired object of both Congress and the community of securing the health of the city.

"The committee learns from the mayor that it is proposed to extend the Chesapeake and Ohio Canal from Georgetown, through the city, to the deep water along the Eastern Branch, with the view of establishing a shipping-port for large vessels, and depot for the Cumberland coal, thus sharing with Georgetown and Alexandria the profits of this branch of industry. The project is one to which the committee should present no objection, provided it does not interfere with the general health of the city or works necessary for promoting the health of the inhabitants.

"The committee considers that a canal for such a purpose, or any other, through this city, should not lock down to tide-water until it has passed entirely through the city, and recommends that neither the existing canal, the proposed modifications, nor transfer of the existing canal to any private corporation be approved by Congress, unless the subject of public health and sewerage be first provided for, and insured against all hinderance and interruption for all time to come, and that no sewerage matter be allowed to enter *any open canal whatever* within the limits of the District of Columbia.

"INFLUENCE OF THE CANAL ON THE HEALTH OF THE POPULATION.

"At the present time the Washington City Canal is an extended cess-pool, the bottom of which is below the level of low water, the surface varying with the slow and gradual rise and fall of the tide, without any current to act upon the bottom or of sufficient velocity to move insoluble ponderous matter that is received into it.

"The sewage from the water-closets, kitchens, laundries, stables, cattle-pens, and street gutters is now received into this immense trap, there to remain, without power of any kind to carry it into the river or other place to protect the city against its pernicious effects and influences. The existing sewers now enter this reservoir so much below low water as to have caused one-half their entire height to be closed by deposit, and, as a consequence, filling every such sewer with poisonous matter into the city to the level of the intersection of the water into the canal with the inclined plane of the bottom of the sewer. This mass cannot be removed by any means now available. On the supposition that the canal receives the sewage from a population of only thirty thousand of the inhabitants of the city, the estimated annual cubic mass that is thrown into the canal is not less than three hundred thousand cubic feet, or at the rate of ten cubic feet per head per annum of solid and fluid human excrement.

"This fecal matter has for some years past been accumulating in the canal, in proportion to the extent and number of sewers constructed from time to time, without any power of removal of the solid parts, and only a slight power for moving the fluid portions backward and forward, there being no continuous current to force even the fluid and soluble parts into the Potomac or Eastern Branch.

"From the experience of other cities, and the investigations of chemists and engineers, we learn that open sewers, as the canal in this city, evolve gases very prejudicial to health. Observation has shown that the death rate is much greater among the population along these open sewers than in the streets removed but a short distance from them.

"The signs of animal life visible to the naked eye in small rivers after receiving sewage matter consist of myriads of minute worms, characteristic of all sewage water, and may be regarded as the last remains of animal life which can survive in such a locality; and even these die off in summer.

"The putrescence of the organic liquids and deposits in the open sewers and bottoms and beds of streams in all weathers, and the evolution of noxious gases therefrom, lead to the sensible contamination of the surrounding atmosphere, and consequently decrease the purity and healthiness of the air, and the discharge of sewage matter into streams and small rivers pollutes the water by the mixture of much organic matter in a state of active putrescence.

"Analysis gives fifteen to eighty grains per gallon of suspended matter, and from thirty-five to seventy-six grains of dissolved matter, of the sewage of large towns. Of the former about thirty-five per centum is organic, and of the latter about twenty-eight per centum. The organic matter consists of vegetable and animal fiber, with a soluble extractive in a high state of decomposition. The organic constituents give off such an abundance of foul gases that they are a constant source of annoyance. These gases consist of about seventy-three per centum of light carburetted hydrogen, sixteen per centum of carbonic acid, ten of nitrogen, and traces of sulphuretted hydrogen, ammonia, and a putrid, organic vapor that is in the highest degree offensive.

"Every gallon of sewage will discharge from one and a quarter to one and a half cubic inches of this gas per hour, and the fermentation continues for weeks. Whenever this gas escapes from privies, cess-pools, or sewers, it causes disease and finally sets up a putrid form of fever, which is exceedingly fatal.

"Every effort is made elsewhere to prevent the diffusion of these fetid gases into the houses and public ways, while in Washington we promote the evil to an incalculable extent and danger in that vast fermenting vat, the city canal.

"It follows that the sewage of large populous cities and towns can only be conducted into large rivers near the sea, that they may not contaminate the atmosphere, and should never be discharged into fresh-water streams used or required for man or beast.

"If conducted into closed harbors or bays, they create such a deadly pollution as soon to lead to the most alarming consequences.

"The magnitude of this evil, and the suddenness with which it may come upon us in its most fatal form, are exemplified by the experience of London. The committee asks attention thereto, as fully illustrating the evil we have to combat in this city, and the necessity of prompt attention:

"On the introduction of the water-closet system in London, and the abolition of cess-pools, with the increase of gas-works, the Thames began to give indications of receiving a larger quantity of decomposing matter than it could purify or get rid of by the tide movement. In 1856 it became apparent in the summer months that the river emitted a disagreeable stench. This became still more evident in 1857, and was obviously dependent on the increased attention paid to the removal of all refuse from houses by the aid of drainage. In 1858 the stench appeared with increased intensity, and especially in the neighborhood of the new houses of Parliament. Every one felt it was necessary to meet so gigantic an evil. The river had become one elongated cess-pool, and the effect upon the teeming population of its banks might be in a short time of the most disastrous kind. In 1858 an act was passed for preventing, as far as practicable, the sewage from passing into the Thames within the metropolis, giving authority to expend three millions of pounds sterling to effect the object."

"This experience may very properly be received as a truthful representation of what is being done in this city, and the consequences.

"The specific gravity of sewage gases is lighter than that of the atmosphere. Generated in large volumes in the canal and lower end of as well as in the sewers, it ascends the sewers to escape at every higher level and creates the pestilential influences heretofore referred to. We had some experience in this city in 1857, causing death and prolonged disease among the inmates of one of our hotels. Thus the deleterious gases ascend and the poisonous liquids descend, making the ventilation of the sewers as important as conveying away the solids and liquids to insure the health of the city. No system of cleansing sewers by manual labor is justifiable.

"Laborers employed in this disgusting business in the culverts for fluid excrements, as in the Paris system, are subject to two terrible diseases, both due to the deadly effluvia of feces, the one caused by ammonia gas, creating distempers of the nose and eyes, and the second by sulphuretted hydrogen, nitrogen, and hydrosulphuretted ammonia, causing sudden death. In the sewers for fluid and solid excrements, as in London and Washington City,

the effects are even more fatal. In the report of the engineer relating to the London sewers, it is stated that he witnessed several cases of death, and others in which men were taken out insensible after only a few seconds' exposure. In Warwick street, Pimlico, five men were killed, in 1852, by this gaseous sewage. Three of them had gone into the sewer early in the morning, and, not returning for breakfast, alarm was felt for their safety. A surgeon entered the sewer and was killed on the spot. A young policeman followed and was struck dead in a few minutes. On examination after death it was shown that he could not have made more than two respirations before death after entering the sewer. On making an opening from the street into the sewers to get the bodies of these men, the gases as they escaped were set fire to by a match and burned with a yellow flame, rising twenty feet. Within three months of the date of the engineer's report three more lives were lost near Whitechapel by breathing sewage gas as it escaped from an opening made into another sewer.

"It is now a well-established fact, deduced from the medical statistics of the English armies in India, and of our Army in its marches during the past two years, that cholera is propagated mainly by atmospheres contaminated and poisoned by the excrement of cholera patients.

"In this city the canal would be the reservoir for such matter, first to be contaminated by travelers from infected districts, sojourning temporarily at the hotels, all the sewers from which now, or are hereafter to, empty in the canal.

"The committee is of the opinion that the canal, as it now exists, is a great cause for creating and propagating disease, and should, at the earliest possible moment, be filled up and discontinued for use as a sewer and reservoir for excrement and waste waters of kitchens, water-closets, laundries, and other sources of contaminating matter, and is also of the opinion that if the proposition of granting the city rights to this canal be confirmed, the evils herein set forth cannot be efficiently corrected by any means left in the power of the public authorities, without incurring a heavy expenditure to purchase rights and property now proposed to be given away.

"It is proper to state that part of this system of sewage, and, it is believed, the commencement of making the canal a reservoir and cess-pool, was made under appropriations of Congress for building sewers from the Capitol and the executive buildings from Fifteenth to Seventeenth streets.

"REMEDIES FOR THE EXISTING EVILS.

"The committee has pointed out the probable evil consequences of our existing system of sewage, as a result of using the canal as a cess-pool and reservoir for the fecal matter, from whence it cannot be removed by any existing means. It has also shown that the air and water from the canal are contaminated by the sewerage of the city, and produce fatal diseases tending to virulent epidemics, and that the canal is neither fit for navigation, sewerage, nor drainage in its present form and dimensions.

"It remains for the committee to propose some method by which these evils may be remedied.

"The old, thickly populated cities and towns of Europe have been compelled, for self preservation, to expend millions of money and adopt a variety of systems to remove excrement from the limits of their abodes.

"The systems last adopted for Paris and London, at an immense outlay, give in general the main reliable features of the most acceptable plans.

"In Paris metallic vessels for every family are so arranged that the solid faeces are separated from the urine. The latter passes into street sewers of large dimensions, conducting it, with the surface drainage from the streets, into the Seine, and the solids are removed from the dwellings by scavengers with carts, and conveyed some miles from Paris, where it is converted into dry poudrette and sold for manure. No less than two hundred and seventy-eight thousand cubic meters of these solid excrements were collected from the tenements in Paris, and removed to La Villette for conversion into fertilizing matters in one year.

"In London a system commenced in 1859, of sewers at different levels, running parallel with the Thames, receives all the house and street drainage, both solid and fluid, and conducts the same, miles below the city, into the river, to find its way to the sea. These longitudinal sewers drain the entire city surface of one hundred and seventeen square miles, and are together eighty-two miles in length. Their fall does not exceed two feet per mile, and are carried over rivers, railways, roads, and streets by wrought-iron aqueducts. Of the surface thus drained, twenty-five and a half square miles are below the level of high water, and drained by a sewer of ten miles in length. A part of the sewerage, or fourteen and a half miles of this surface, has to be pumped up seventeen and a half feet to discharge it into the Thames; and at what is called the Abbey Mills Station, the whole mass of sewage is pumped up thirty-six feet to the level of the outfall sewer. This system is peculiar in having culverts parallel with the river, to receive the sewage at high levels as far as practicable, and not allow it to fall into basins or valleys below the river surface, and by steam pumps raising all the sewage matter from surfaces below the river level into the main drains leading to the river.

"Another system is advocated, by which all the excrements are received from the water

closets, both solid and fluid, into small boxes in the streets, from whence it is drawn by pneumatic portable engines into tight barrels, and thence in its liquid state distributed in drills underground by plows, as a manure for the surrounding country. It is claimed to be the only effectual way of removing this offensive matter and preserving the whole of it for manuring the soil.

With subsoil plowing, rotation of crops, lime, marl, green sand, barn-yard, guano, and other fertilizers, the use of sewage matter is not likely to be acceptable to our agriculturists, and no demand will probably exist sufficient to absorb the quantities that by this system must be daily disposed of in summer and winter.

"The committee has come to the conclusion that we must construct the sewers of the city of Washington on levels *above high water*, and conduct them to discharge their contents in the strong *ebb current* of the Potomac River at *high water*, that the entire accumulation of twelve hours may have six hours of ebb tide to carry it toward the Chesapeake, which, with the annual freshets and constant flow of the Potomac, will always carry it beyond the distance it can be brought back by the flood.

"It is indispensable the outlet of these main sewers should be *below the Long Bridge*, (and as distant as practicable,) otherwise all the solid matter would accumulate on the shoals, between this bridge and Georgetown, and in time create as great an evil as the canal.

"To effect this object all the main sewers must be *carried across the site of the present canal on closed aqueducts or causeways*, at the most advantageous levels above high water, and thence under the grounds south of the canal, to suitable places on the bank of the river, where closed and covered reservoirs may be constructed to retain the sewage until the ebb-tide makes, when gates or valves will be opened to allow it to escape into the river, under the water surface, using the waters of Rock Creek and the Tiber to cleanse them.

"The present canal should then cease to be used for any other purpose than as an escape for the waters of the Tiber, during extraordinary freshets, and for such surface drainage as cannot be carried across it into the sewers leading to the Potomac, and to this end must be filled up, and reduced in size and form to an arched culvert. The proposed canal for commercial purposes, with an outlet in the Eastern Branch, should, in like manner, be carried over the valley of the present canal, on an aqueduct or causeway, and then through or along the high ground to the Eastern Branch.

"We have found that the canal is not useful for navigation. A railroad over the same ground, extended along the river front, with turnouts and sidings to warehouses and depots, free to every owner of a car, would better subserve the public welfare, it is believed, than any water transportation that can be derived from the existing or other canal. Such a road for heavy traffic, with a well-constructed paved street for light vehicles, and a paved walk along the south side, adjacent to the public reservations, connecting the Capitol, Botanic Garden, Smithsonian, Agricultural, and Washington Monument grounds with the grounds about the President's House, would insure greater health, promote public convenience, and greatly enhance the value of property now separated from the settled portions of the city by an impassable barrier. These are additional considerations for using the site of the existing canal as a covered drain or culvert for surface water only.

"The committee has confined itself to pointing out the evil effects of the existing sewerage, the necessity for immediate correction, and a general plan therefor, leaving it for the talent and genius of the most experienced engineers to select the most advantageous sites for the outlets of the sewers, at the most *distant points* from dense population, and mature the details of a project for carrying this system into effect.

"All of which is respectfully submitted by

"RICHARD DELAFIELD,

"*For the Committee of the Regents.*

"RICHARD WALLACH, Mayor.

"RICHARD DELAFIELD, U. S. Army.

"PETER PARKER, M. D.

"WASHINGTON, D. C., May 15, 1868."

The following extract was also presented by Mr. Chandler, from "A Treatise on the Sanitary Management and Utilization of Sewage; by William Menzies. London: Longman & Co., 1865:"

"In the first week of November, 1864, when the Thames was lower than it had been for many years, I had occasion to examine the bed of the river at the mouth of a sewer discharging its contents from a town of six thousand inhabitants. I found that opposite the mouth of the large drain an immense bank of the most putrid mud and filth had formed, fully five feet deep in some places, stretching across into the stream. When this was stirred up and sent into the current, which had to be done to clear the mouth of the drain, the stench was intolerable. For a mile down the river a thick, gray, slimy deposit lay upon every bank, and every twig and reed in the stream was covered with it. In the eddies, where the water was quiet, a thin blue and yellowish-green scum was swimming on the top, and the solid parts of the sewage recently deposited might be seen floating four miles from town. If any of the water had been used for domestic purposes, it is almost certain that, if fever had not been caused by it, a weakly general state of health would have followed, which

opens the door to other diseases, especially in the fall of the year, when, from other causes, the constitution is liable to such attacks. At the point I examined it, the stream was flowing with a steady current of four miles an hour, and it occurred to me, if this great deposit of filth has accumulated from so small a town on that stream, was it not quite certain that a huge delta of putrid mud would form at the mouth of the great London sewers, where, according to the best information I can receive, owing to the rise and fall of the tide at Barking Creek, the current only sets one mile toward the sea in the twenty-four hours; and, if so, would not such a putrid mass be certain to originate and spread disease?"

Mr. Chandler then announced that the case in defense of the board of public works was closed; that he desired to offer only the following letter, which was read:

"EXECUTIVE OFFICE, DISTRICT OF COLUMBIA,
"Washington, April 17, 1872.

"SIR: In closing the evidence submitted to your committee in behalf of the District government, I deem it proper, and I am required by a sense of duty, to call your attention to the fact that the further cessation of the work of improvements consequent upon the investigation will operate disastrously upon the prosperity of the capital. The proceedings commenced January 22. The evidence for the memorialists closed March 30, the investigation having occupied sixty-eight days. The evidence for the District commenced on the day on which the memorialists finished, and has consumed nine days.

"After the introduction of the memorial and the commencement of the investigation, the District government, in the face of charges deemed by Congress worthy of notice, did not consider it expedient to prosecute to any considerable extent the improvements commenced by the board of public works, or to enter into new contracts. The unusual severity of the winter has also, until recently, made it unadvisable to proceed with extensive improvements.

"But within the last few weeks the spring has opened, and the season for active operations has arrived. Residents upon streets which have remained broken up during the winter are clamorous for their completion. Contractors, who have in good faith entered into engagements with the District, ask if they are to be allowed to fulfill them, or are to be compelled to remove with their materials and machinery. Laborers, who have been idle for several months, and now desire work in order to support their families, are anxious to be relieved from painful suspense. Materials have within two months largely advanced in price, and every day's delay, therefore, adds greatly to the expense of the improvements. Capitalists and others desirous of making investments in Washington, and of aiding in building up the National Capital, are deterred by the cessation of improvements and the uncertainties occasioned by a protracted investigation. The District credit is beginning to suffer; and if the completion of improvements already commenced is much longer delayed, the health of the city will be seriously endangered.

"Under these circumstances the best interests of the District imperatively require that the pending investigation should not be further prolonged by the introduction of any further testimony on the part of the District government. If it were not for this pressing necessity, the District authorities would gladly avail themselves of the opportunity which the investigation has afforded of not merely presenting evidence in refutation of the charges against them, but also of more fully explaining to the committee their plan of improvements, for the purpose—as one fortunate result of an otherwise fruitless investigation—of invoking friendly criticism and advice from Congress, and obtaining those liberal appropriations from the National Government for the improvement of the District which its citizens have always believed would be cheerfully granted, whenever they evinced a disposition to raise by taxing their private property their fair share of the expenses of improving and beautifying the capital. But as delay, even for this useful purpose, would be highly injurious, and prevent all satisfactory progress during the present season, it has been decided to instruct the counsel for the District to delay the conclusion of the proceedings no longer by introducing further testimony, but to submit the case of the government with the request that, as the memorialists have been allowed the fullest latitude and unlimited time, the hearing may be closed immediately, if the committee deem it consistent with the public interest.

"Yours, very respectfully,

"H. D. COOKE, Governor.

"Hon. H. H. STARKWEATHER,

"Chairman of the Committee on the District of Columbia."

The following resolution, offered by Mr. Eldridge, was unanimously adopted: That we give the parties Saturday next to close their testimony; and that on Wednesday next there may be submitted in writing or in print, as may be preferred, a statement of the points that may be considered as established.

Adjourned till Saturday morning at 10 o'clock.

NOTE.—The following testimony, by inadvertence, failed to be printed at the points at which, in the order of dates, it should have been inserted:

WASHINGTON, D. C., *April 5, 1872.*

A. R. SHEPHERD recalled.

By Mr. CHANDLER:

Question. Will you be kind enough to describe the plan adopted by the board of public works for the improvement of this District, designating the principal improvements to which you attach importance?—Answer. I am intimately acquainted with the needs of the city of Washington. Since I began to build largely, the necessity for some permanent system of improvements, including sewerage, street pavements, sidewalks, and everything required to beautify the city, has forced itself upon my attention. Under the old corporations of Washington and Georgetown, there was no system whatever. Bills would be rushed through for the improvement of particular localities or sections, in some instances amounting to a quarter of a million of dollars at one session, without any provision whatever for their payment; and, when the corporation of Washington ceased to exist, there were unexecuted acts for the expenditure of from five to six millions of dollars, on improvements for which no plans had been devised. The board of public works, when they entered upon their duties, concluded that they had been created for something or nothing, and that, if for anything, it was to devise and carry out, as rapidly as possible, some system of improvements, in order that in this respect the capital of the nation might not remain a quarter of a century behind the times. When the legislature was called together, we submitted a general plan of improvement for the District, making it as explicit as we could in the brief time allowed for its preparation. That plan involved an expenditure of some \$8,000,000, and included a general system of sewerage for the different sections of the city, and also contemplated the paving of the streets. After the approval of the plan, we proceeded to carry it into effect, to the best of our ability. We of course have made some blunders; we would not be human if we had not. We have, however, endeavored to administer the affairs of the board honestly, and have, I believe, succeeded in doing so; I think it has been the determination of each member of the board to watch the administration of affairs even more closely than were only his own private interests involved. I know that we have gained a good deal of unpopularity with contractors and others doing work under us, because we insist on what we believe to be right and for the best interests of the people.

Q. Did you hear the testimony of Mr. Mullett in relation to the general plans; and, if so, are his statements as you understand them correct?—A. I heard his testimony; his statements are correct, except as to sewerage. It is not definitely determined as to the sewer of Missouri avenue. It has been suggested by General Green that it might be well to run an extra sewer along the line of F street north, so as to intercept all the water above that street as far east as Four-and-a-half street, such sewer to run westwardly and discharge into deep water at the most accessible point. In such case the sewer along the canal need not be so large, as it will only have to drain the surface between F and B streets.

[At the request of the committee the witness here went to the map, and pointed out the course of the streams which come into the northern and northwestern parts of the city. He also showed the outlet of Slash Run to be in Rock Creek, near the present P street bridge. The witness then proceeded as follows:]

What is known as the Slash Run sewer is located on the line and over the bed of that stream, beginning near its outlet and following its course to L street, near its intersection with Twenty-third. This sewer is of large capacity, and will probably be continued along L street to Nineteenth or Twentieth; thence northwardly, on either one of those streets, to M; thence along M until it intersects Rhode Island avenue; thence along that avenue to Seventh or Eighth street. Good drainage will thus be provided for all the northwestern section of the city, while that portion lying between Fifteenth street, Rock Creek, Pennsylvania avenue, and L street, will also be drained into it.

The drainage for the eastern section of the city will probably be along G street north, as we could then intersect one or two streams which come in from the county. This sewer could be so arranged as to carry directly into the Eastern Branch a large portion of the water which now empties into the Tiber, and would provide for the section between Second or Third street east, and the Eastern Branch from the ridge of Capitol Hill to Boundary street. This would relieve the Tiber Creek sewer, enable us to reduce its dimensions, and avoid any danger of overflow or inundation.

The sewers for the navy-yard will run directly into deep water. The main sewers will probably be built on Seventh and Eleventh streets, with lateral branches for the cross and other streets. A sewer has been constructed along South Capitol street to D, and along D, to connect with the corporation sewer laid some time since, and will afford drainage for that section. This sewer empties into the canal a little north of the Virginia avenue bridge. For the drainage of the island a main sewer has been built on Seventh street, and smaller ones are now being constructed on Four-and-a-half and Twelfth streets, all of which will empty into the Washington channel.

This explanation will, I hope, give a general idea of the plan of sewerage now in progress, which, of course, will be modified in its details as efficiency and economy may demand.

Q. Would this plan of intercepting the water from F to B streets relieve the canal so that it would be ample to receive the flow of water?—A. There is no doubt of it.

Q. What is the size of the Missouri avenue sewer?—A. It is about five feet by seven feet.

Q. Do you believe that it could be kept clean without flushing?—A. I think it is always best to take every possible precaution; but when the new mains are laid there will be a sufficient supply of water, which, if turned on during the night, will thoroughly cleanse the sewers.

Q. How soon will General Green's plan be ready for execution?—A. It is a difficult matter to state. He has been engaged earnestly in preparing it, and has given it his whole attention some time. To complete the plan on so large a scale for Georgetown and Washington involves a great deal of labor.

Q. Is that a copy of the agreement made with General Green? [Paper handed witness.]
—A. Yes, sir.

By Mr. CHIPMAN:

Q. State the condition of Capitol Hill in regard to sewerage.—A. Capitol Hill has heretofore had no sewerage of any consequence. One of the sewers built by the board was up South Capitol street to D street; thence along D street south to about Fourth street east. That section of the city, it is proposed, shall be drained southward into the canal, about as far as Sixth or Seventh street east. The section to the east of this will be drained into the Eastern Branch, and so into deep water. There will, probably, be two deep sewers on Seventh and Eleventh streets, Capitol Hill, so that this section will be thoroughly provided for, and only need lateral sewers to connect with the main sewers. That section of the city known as the Island, south of the canal, is to be drained, a part into the Washington channel and a part into the Eastern Branch.

By Mr. COOMBS:

Q. You have described a very extensive system of sewers in progress and being carried out. In order that this should be a consistent plan it should be completed, should it not, before any sewers are constructed?—A. No, sir. The general outlines may be arranged so that the plans on which the sewerage shall be carried out may be understood, while some of the details are left undetermined. As fast, however, as a plan is determined with regard to any particular section, the work may be commenced.

Q. Until the entire calculation is completed how do you know what depth to put any one sewer which makes a part of the whole system?—A. No part of the system will be carried out until the general plan is determined. General Green, I think, is thoroughly posted on this subject; and it has been a great relief to know that we have obtained the services of one so thoroughly qualified for this position.

Q. How long was the board in getting up the general plan which was submitted to the legislature and incorporated into the four-million loan?—A. I cannot say. We had to prepare it as quickly as possible. It was reduced to writing and put into shape in a very short time. I presume, however, that the other members of the board had, like myself, views and opinions formed after years of patient waiting and endeavors to perfect a scheme of improvements for the city.

Q. You have described quite an expensive system on Capitol Hill; are any of them embraced in this general plan?—A. I do not know whether or not they are specifically stated in the general plan.

Q. Do you understand that any appropriation was made by the legislature for improving the streets and building the sewers, except such improvements as are specified in the general plan?—A. The law says that we are to adhere to that plan as nearly as may be practicable and consistent with the public interest. I believe we are to perform our duty for the benefit of the city and the citizens; and that we have a right, if we find that we have made mistakes, to modify our action so as to bring out the best results.

Q. You have stated, I believe, that you have arranged to expend \$100,000, even though only \$10,000 have been estimated for; do you think the interests of the city require that?—A. I do, most undoubtedly.

Q. Do you think you have a right to expend money where no estimate has been made?—A. I have expressed no opinion upon that point.

Q. Are you not contracting very expensive improvements in localities not specified in that general plan at all?—A. It may be so, but, if so, I think it is because the circumstances of the case justify it.

Q. Is there any member of the board of public works who has had any practical knowledge of engineering, or with regard to sewerage, previous to the time that you commenced your operations?—A. I am a member of the board of public works, I am not an engineer, but I have some ideas in regard to sewerage. I have been engaged in plumbing and sewerage for twenty years, and one important feature and necessity of my business is a knowledge of the principles of sewerage and drainage. I have acquired a certain degree of knowledge upon the subject; it may not be very great, but, great or small, it has been of sufficient importance to enable me to exercise my judgment properly in relation to matters of sewerage with which I have had to do.

Q. The board of public works have purchased the Scotch pipe which is put down here?—

A. We are purchasing pipe from five or six different establishments in Ohio, Baltimore, Philadelphia, and New York.

Q. Will you give the names of the firms?—A. In New York, the house of James Nelson, jr., from whom we obtain imported pipe; in Philadelphia, from the Morehead Clay Works, which is the largest establishment of that kind in the city; in Baltimore, from the house of Henry Gibson; in Ohio, we purchase of the Akron Sewer and Pipe Company of Akron, and of another company the name of which I have forgotten.

Q. What is the largest size of pipe you are purchasing?—A. Thirty inches.

Q. What does that cost delivered here?—A. You have it in the schedule of prices which has been furnished you; we have reduced those prices since that schedule was furnished, and have managed to make them 15 to 20 per cent. less than when we commenced. Pipe is now furnished in Washington at about one-half the rates at which it was furnished in New York—for about 25 per cent. less than in other cities in the country.

Q. Of which firm do you buy the largest quantity of pipe?—A. We shall buy equally from each place; that is my intention.

Q. You do not mean to say that now, in New York, pipe costs twice as much as it does here?—A. I mean to say that, according to the prices specified in the copy of the contract which we obtained from New York, the authorities of that city paid about 70 per cent. more than we are now paying. I do not know what are the present prices there.

Q. Have not the Vanderberghs, who are contractors, furnished some pipe?—A. J. V. W. Vanderbergh has, having made the lowest offer.

Q. Has Evans furnished any?—A. No sir; I think we bought from him a small quantity, in order to furnish a job toward the close of the season. We bought it against his wish, as he wanted it for his own use.

Q. Was there not a cargo of pipe bought by Mr. Evans that was condemned?—A. No, sir; we reject some from every cargo. There are some pieces not up to the standard, which are of course rejected.

Q. Do you know who are the members of the Washington Asphalt Company?—A. I do not know anything about them.

By Mr. CHIPMAN :

Q. Mr. Harkness testified here that these pipe sewers (I believe I may state safely) would cost about double the amount that sewers of the same size made of brick would cost, and that the brick sewers are better than the pipe.—A. I presume that Mr. Harkness is a very respectable gentleman, but he is very much like Dr. Hall, who contends that 6 inches of wooden pavement are equivalent to 6 cases of typhoid fever. I do not think there has been a brick sewer of small caliber laid in any city in this country, except in Washington, for five years. No engineer of any reputation would lay a brick sewer when he could get a pipe sewer of two feet; after 15 years' experience, I think an 8-inch earthen pipe is better for drainage, will do its work better, and last longer than an 18-inch brick sewer. Any engineer in this country will look upon a statement that a small brick sewer is better than a pipe sewer as simply ridiculous.

Q. Mr. Harkness submitted figures to show the comparative cost of the two and stated that the brick was better and the average cost would be 100 per cent. less.—A. He is entirely wrong in his calculations. Take Chicago, or Philadelphia, or Baltimore, and in none of those cities where 24-inch sewers are used was any put down except the pipe sewer. Twenty-four or 30-inch pipe is not so easily handled.

By the CHAIRMAN :

Q. Is the 24-inch sewer as strong as sewers of the same size of brick?—A. Just four times as strong; we have subjected all the pipe that we have received to a hydraulic test, and it bears a heavy pressure to the square inch.

By Mr. COOMES :

Q. Do you really think that the 8-inch pipe sewer will conduct off as much water as an 18-inch brick sewer?—A. I did not say that it would. I say that an 8-inch pipe sewer will do its work better and last longer. It will not clog up as a brick sewer will. An 8-inch sewer of pipe will drain the sewerage from a dozen houses or so, and I would prefer to put down such a one at the same cost to an 18-inch brick sewer.

WASHINGTON, D. C., *Decemr.* 19, 1871.

DEAR SIR: In answer to your communication in relation to making a plan of sewerage for the cities of Washington and Georgetown, I have the honor to state that I will do the same, and have the drawings made and furnish the paper for the work, for \$3,500, the board of public works to furnish an office for my use in this work, with fire and furniture, and to allow me the use of the drawings and maps already made;

and the board of public works to make such surveys as may be necessary to obtain the necessary data for the work; payments to be made as the work progresses.

Very respectfully, your obedient servant,

GEO. S. GREENE.

ALEXANDER R. SHEPHERD, Esq.,
Vice-President Board of Public Works.

Furniture required: Two drawing-tables on tressles, one writing-table, four chairs.

A true copy:

CHAS. S. JOHNSON,
Assistant Secretary.

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Washington, December 19, 1872.

SIR: You are informed that your proposition to make a plan for sewerage for Washington and Georgetown has been accepted, and you will enter upon the discharge of such duty at once, the plans to be prepared at the earliest possible date.

The governor has been requested to place at your disposal the rooms formerly occupied by you at the corner of Pennsylvania avenue and Seventeenth street.

Very respectfully, &c.,

ALEX. R. SHEPHERD,
Vice-President.

Gen. GEORGE S. GREENE,
Washington, D. C.

A true copy:

CHAS. S. JOHNSON,
Assistant Secretary.

WASHINGTON, D. C., April 10, 1872.

FRANCIS P. BLAIR duly sworn and examined.

By Mr. CHANDLER:

Question. How long have you resided in Washington?—Answer. I came here in 1830; about forty-two years since.

Q. State whether you had occasion to know the history and condition of the Washington canal since you came here.—A. Yes, sir; I have known a good deal of it. As I understand Dr. Hall, he thinks that filling up the canal will make it like a *great sponge of morass*, and that the feculent matter there will make the city unhealthy. I think the mode of filling up should be to have it compact, as high as the tide rises, and keep out the tide by water-proof walls at each end; then the earth will not become a morass. The surface above tide water may be made a sort of French drain, with rubble-stone. The filling completed with soil suited to the growth of trees would render the nuisance a beautiful addition to the park.

Q. How long have you been of the opinion that the true solution of the canal difficulty would be to fill it up?—A. General Jackson observed to me that it was the greatest folly in the world to bring a canal through the city; that we had a tide-water river, and that the commerce of the city should be carried on through that.

By Mr. ELDRIDGE:

Q. What do you think of the canal for commercial purposes?—A. I do not think it useful at all.

By Mr. CHANDLER:

Q. This statement by General Jackson was made to you, was it?—A. Yes, sir.

Q. When?—A. I think in 1832 or 1833, somewhere along there.

Q. His opinion was very fixed?—A. Yes, sir; he spoke of it as the greatest absurdity in the world to attempt by a canal to supersede a tide-water river flowing along by a city, and make the canal the channel of its commerce. Wherever you see commerce along the shores of any place, it becomes dirty, unsightly, and sickly.

The canal we see has come to this result. Dr. Hall concurs in this respect with the physicians of the board of health; yet I concur with him in the belief that if the canal were kept clean and deep by dredging, or a sufficient fall of water, it might not be so hurtful as hitherto to the city's health, though open in the midst of it; still its emanations would be unwholesome, and the noisome gatherings on its sides, in the name of commerce, would be a poor compensation to the people for the loss of the salubrious air, the reviving green turf, and cooling shades, the park was meant to yield. The system for draining the city of its surface

water, by cutting down the grade of streets from the high ground in the central parts, to run it off rapidly through streets, terminating at the river shore, will perfect its health. Although the depth of the cutting in some streets made a bad impression for the moment, when the houses have basements built under them, as they will in the course of time, the value of the property will be immensely increased and the beauty of the streets improved by the elevation thus given to windows.

Q. You believe in the policy of getting uniform grades?—A. I do; and carrying them through the city and into the District beyond Boundary street. I believe the plans generally adopted by the city government the best ever suggested. They do honor to the taste and genius of those who designed them to fill up the outline which nature seems to have destined for the site of the capital of our country. The city and its surrounding district will then become one vast amphitheater, mounting by grades from the Potomac to the hills five miles beyond its northern boundary, and 500 feet above the tides. The first terrace arises from the circle of Boundary street, making that beautiful coronet of wooded heights that crowns the brow and looks down upon the city and the expanse of its river as far as Mount Vernon and Fort Washington. The next grade brings us to the circuit of forts that protected the city during the late war. The roads made to unite these defenses by the soldiers formed an outer circle to Boundary street, two miles beyond. They are located on eminences that command the country on both sides of the circuit, while the city is invisible and sheltered by the first elevation that surrounds it. The third elevation is that which makes the dividing line between the District of Columbia and Montgomery County, Maryland. It is five miles from the city limits, on the direct Seventh street road. To this point all the parked avenues from the city tend. They emerge at right angles, and on reaching the military way fall in through it into the graded Seventh street road, from west and east, and blend with it all the roads from the navy-yard and from Georgetown, and pursuing its route northwardly two miles meets all the country roads that converge at Silver Spring; Rock Creek and Slago approach each other so closely here as to leave at the summit level a plain a little more across than one mile to divide them, thus bringing together at that place all the country roads seeking the city from the northern, eastern, or western direction. The Colesville turnpike, the Sandy Spring turnpike, the Brookville turnpike, all macadamized, are brought on the District line at this spot; and the Rockville road and such others as cross the Rock Creek to fall into the Seventh street avenue also unite in this place of general rendezvous, which is also the depot of the Metropolitan branch of the Baltimore and Ohio Railroad. This shows the importance of rendering as perfect as possible the thoroughfare of six miles leading into the heart of the city from the highways of the country, which concentrates its products upon this railroad depot. Thence they may go to the market of either Baltimore or of Washington by the steam or horse-car, or by the wagon of the farmer who may continue the transportation on the Seventh street graded and macadamized central city road.

But the improvement of greatest value, as most comprehensive, is that which proposes to finish the military road which unites the forts around the city. It is to become a grand avenue from the Soldiers' Home westward to the first bridge on the road between Fort Stevens and Fort De Russey, and thence carried along the stream of Rock Creek and the road on Broad Branch they blend into one main avenue, sloping with easy grade the 500 feet at the District line, along the current of Rock Creek to its junction with the Potomac, making the most romantic, picturesque drive to be found anywhere.

On the river side of the President's Mansion, this country avenue will pass through the City Park by the Washington monumental pillar to the grounds around the Capitol, embracing the view of all that is necessary to save Washington from the river miasma and from the sneer of being only "a city of magnificent distances." It will present to the eye "a city of magnificent parks and palaces." The completion of North Capitol street, as already begun, to the Soldiers' Home, including its beautiful views and drives, with those of Mr. Corcoran's splendid villa, will render all east of the central Seventh street line a grand park on the north of the Capitol. On the south the Mall, with all its edifices, including those of the President's Mansion and those of the surrounding Departments, built or to be built, constituting the grand feature of architectural elegance, mingled with a rural scene, makes it a perfect *rus in urbe*. That inclosed by the military road westward on Rock Creek and smaller tributaries constitutes a park of itself, all wild and picturesque, in a most charming woodland scenery. It is filled with precipitous rocky heights, with rapid currents, the rich hillsides rising at successive points, covered with lofty trees, with an undergrowth of laurel, redbud, and dogwood, all beautiful in their seasons with flowers, the little brooks running from dells opening at intervals, dressed with floral ornaments springing from woodland, would have induced all lovers of parks who have penetrated this wilderness of tangled forest and mazes of streamlets to assign superiority to this region in sight of our Capitol and pronounce it destined to become the most charming environ of that sort ever presented to a crowded city.

It would be an economy at once to establish a country road down Rock creek to the Potomac from the military road. The purchase of the hillsides above, clothed with overhanging woods too steep for plowing, would preserve them from the ax. It is all now required for the contemplated park. Its completion would be the work of future years. Meantime, the

avenue down the stream would enhance the value of the arable lands to proprietors and promote the prosperity of the cities and country, by opening a new and easier grade for the interchange of commodities.

Q. Is it your opinion that the city has sufficient wealth to carry on this system of improvements?—A. I do not think the city has; but the continent has, and the people from every section who are coming here and to whom it belongs. It is to be the greatest city in the world; and the wards of the Government are doing the work—the negroes. We are paying them, but I think the Congress will pay us back some day.

Q. On the whole, you approve the plan of the improvement of the canal and the District?—A. As far as my reading extends, there is no plan of a city equal to that which Washington planned, just as it stands.

Q. Please state your opinion of the necessity of the Seventh street improvement.—A. Seventh street is the great avenue to the country, which is to feed the city. The several roads in the country that come in toward the city may be represented by the fingers on my hands, all tending toward Seventh street as the fingers to the arm. All the roads from the country center in the Seventh street road. The whole country to the north is drawn into it. It is a high road, 500 feet high, and the whole resources of the country for the city come in through Seventh, and Fourteenth, and North Capitol streets. It is, in fact, the only outlet to the north from the city, and is an easy road to the country west.

Q. Your residence is about six or seven miles out?—A. Yes, sir, about six miles from the Center Market. The Washington County boundary-line runs through my gate.

Q. You have traveled over the Seventh street road for years. What has been its condition for many years past?—A. It is the worst road in the world. It is a light soil and cuts down to the hub. While it was a turnpike I had to lend my horses frequently to drag out teams from the mud.

Q. What was the width of it?—A. Not more than fifteen or twenty feet, and cut down to the hub. The carriage-ways were so narrow that there was great danger in crossing the ravines; every ravine was a trap. They had to be very cautious in driving, especially in the night.

Q. State your opinion as to the repairs that have been made in the road, whether the character of the road, as a highway and the amount of travel over it, justified it.—A. My son, Montgomery, spent a thousand dollars, and I spent as much to get a road. We made the road for ourselves, because this direct city road was so bad a road. I would have been willing to pay on the turnpike, but it was at times impassable. We made a new one. I gave the road off from my land and then paid for making it.

Q. I wish to know whether or not you think the necessities of the people required the expenditures that the District authorities have made.—A. I do; I think it is the most valuable improvement they have made.

Q. You think it wise and judicious to put the road in as complete repair as it is now in?—A. I do.

By Mr. ELDRIDGE:

Q. Have you observed the improvements that have been made in the city in the way of paving?—A. Yes, sir.

Q. What is your opinion of these improvements?—A. I think they are very valuable, as far as they have gone; I am very doubtful, though, whether the wooden pavement is not the best of any of them. That is a very good pavement in front of the Arlington, however.

Q. Have you noticed the sewerage as far as it has been done?—A. No, sir; I think it is very important that the military road which the Government has made should be continued down to Rock Creek and down Broad Branch. The more of these avenues to the country you make the better for the health of the city. A road down Rock Creek, following the meanderings of the creek, and well macadamized, would make a beautiful road into Georgetown, and the people would go out into the woods, and they could raise their children with great hope; but while confined to this spot they will be less healthy.

Q. What do you think of the city running into debt and borrowing money to make these improvements?—A. I think it is a great advantage, because it invites population here, and will make it a beautiful capital of the nation. It will be of great advantage as long as this nation lasts to have it improved and accessible, so as to be an invitation to all the surrounding States to come here.

Q. What amount of debt can this city and population carry?—A. I do not know; it has a way of throwing it off when it is too heavy by calling on Uncle Sam to take the load. They say now we are employing labor on our highways and roads, to take care of the wards of the nation; but they are being educated and improved, and it is a great triumph for our nation that we are not only freeing the blacks from bondage, but the whole country, and elevating in the eyes of the world.

By Mr. CHIPMAN:

Q. I would like to have your views in regard to the obligation that the General Government owes to this District to make it a proper residence and place for the capital of the nation.—A. The Father of his Country laid out the city for the nation; he never believed

that a commercial people would live here. He judged wisely that these broad avenues were necessary for the capital of a great people like ours ; he laid them out so that they can be parked and the health of the city secured. They are laid out so that the air can pass through the city in every direction. These broad streets are parks themselves ; and this will be the most beautiful city the earth has ever seen.

Q. You know something of the traditions and the history of the location of the capital here. Can you state what was the purpose of the founders ?—A. It was designed that it should be the most beautiful city of the greatest continent of the earth ; and it ought to have the assistance of the whole nation.

Q. You regard it, and the founders of the city regarded it, as a matter in which the whole nation has an interest ?—A. Yes, sir ; for such a nation as ours. It looks back to the Old World and sees all those great cities of the past built on the sand ; but this city is built on an elevation. Paris is on a little stream, the Seine, not much broader than our canal ; but here is the broad Potomac ; and all these hills about the city are connected with the mountains, so that here is to be a city right at the falls of the Potomac which has the mountain air. Near my house you can see the Blue Ridge in Virginia, and Sugar Loaf Mountain in Maryland. This region is elevated and healthy, above tide-water. At the District line it is 500 feet above the ocean. It will not sink here, like cities covered with the deserts of sand in the Old World.

Q. I want you to give us the traditions upon that subject for the use of the committee, and for other persons in Congress who think that the National Government has no obligations in this particular.—A. I think the founders of the city entertained no such opinion. Congress has never acted upon that idea. Congress is the founder of this city, made what it is. It is the nation's city, and its very construction shows that it is made for a great people.

By Mr. COOMBS :

Q. How far do you think the four million dollars will go to carry out this vast system of improvement ?—A. I do not know.

Q. Do you think it will finish it ?—A. No ; I expect it will cost at least thirty millions, including the Woodland Park.

Q. If the General Government does not come to our relief, don't you think that thirty millions will be a greater debt than this city can carry ?—A. I am told by a gentleman from Philadelphia that our taxation is not so great *ad valorem* as that in Philadelphia. I think that every improvement put upon the city increases the value of the property here, and hence the wealth of city will grow in proportion with the debt.

WASHINGTON, D. C., March 13, 1872.

WILLIAM B. MOSES recalled.

By Mr. CREBS :

Question. What is the difference between the prices for carpets now and at the time these were purchased ?—Answer. The prices have been about the same for eighteen months. I could have made a deduction of 10 per cent. on the carpet ; but if I had the same chance, I think I should have charged about the same. My prices average about like his. It was a fair living percentage. We would all probably have charged that difference. A majority of the furniture we should furnish at the same price.

APPENDIX.

REPORT UPON CONCRETE PAVEMENTS, PRINCIPALLY WITH REGARD TO COMPOSITIONS IN WHICH BITUMINOUS MATERIAL IS USED.

In accordance with the objects set forth in a communication by the Hon. H. G. Stebbins, president of the department of parks, of the city of New York, suggesting the desirability of an examination by competent persons into the merits of the various concrete pavements, together with an expression of judgment as to their value, for general or limited use, as would result from such examination and a systematic discussion of the subject, and addressed to the park commissioners of the cities of Brooklyn, Philadelphia, and Buffalo, and the metropolitan board of works of the city of Washington, a board of engineers, representing these several organizations, convened at the offices of the department of parks, New York City, on Tuesday, March 12, 1872, continued their session on the 13th instant, and, subsequently, adjourned to, and met, in the city of Philadelphia, on the 26th and 27th instants. During this period the members of the board examined all the pavements laid in these cities, and, notably, those in the parks and public squares. Of the large number and variety put down in this country it may be stated that good samples of the most important of those which seemed to offer any reasonable hope of success were found on one or all of these parks and squares, and presented all the advantages for observation, as to length of time laid, abrasion to which they had been exposed, and conditions under such exposure, which the board deemed of value for the purposes of their investigations. The pavements so examined were put down by the companies designated in the following list:

The Scrimshaw Patent Pavement Company, the Scharf Patent Pavement Company, the Grahamite Asphalt Pavement Company, the Evans Pavement Company, the Day Vulcanite Pavement Company, the Filbert Vulcanite Pavement Company, together with some others, whose operations, however, had been too limited to warrant special mention. These had been in use for various periods, from the year 1867 to date.

Samples of nearly all exhibited favorable conditions, as to wear, and presented smooth, well-formed, and compact surfaces, with fair indications of continued durability.

These examinations and the resulting discussions were facilitated by prompt and full responses to the following communication, addressed to a number of the companies engaged in the laying of composition pavements:

“MARCH 13, 1872.

“*The ——— Company:*

“GENTLEMEN: A board of engineers, representing the park commissions of the cities of New York, Brooklyn, Philadelphia, Buffalo, and the department of public works at Washington, have under discussion the question of the practicability of concrete pavements for pleasure drives and traffic roads, and are seeking information with the view to determine generally the requisites of a desirable pavement for such purposes. It is also their desire to investigate the subject of treating the concreting material, with the view to determine, if possible, the best conditions under which it may be used to these ends. I am requested to ask of you a written specification of your pavement, setting forth, as fully as you may be inclined to do so, the materials used, in their several proportions, the processes of manipulation, together with the form and mode of laying the same. In this connection we should like to have the statement show bulks in depth which you offer—

“1st. For paths of public grounds and sidewalks, with price per square yard, superficial.

“2d. Pleasure drives, or roads for light travel, per square yard, superficial.

“3d. Traffic roads, including heavy travel, per square yard, superficial.

“You may, if you please, cite samples of pavements laid by you which offer favorable experience, with the time of laying, the class of wear to which it has been subjected, &c., and any remarks concerning the question of surface color you may be pleased to offer. This information is for the use of this board only.

“Respectfully,

“JNO. Y. CULYER,

“*Secretary of the Board.*

“Communications to be addressed to John Y. Culyer, chief engineer Brooklyn park commission.”

As is known, the principal and essential ingredients which are made use of in the composition of bituminous pavements are broken stone, gravel, sand, (or ashes, cinders, slag, vitrified clay, glass refuse, &c., intended, in part, to replace these,) with bitumen (of

asphalt or coal-tar) as the concreting substance. In addition to these, there are other materials used which may be found of more or less service.

It may not be out of place to mention that nearly one hundred patents have been issued by our Government for these new and useful inventions, so called; and when it is further observed that, for the purpose of fulfilling the very flimsy requirements of the law, the patentees have been permitted to include in their specifications (under the pretense of using them as desirable ingredients) such rubbish as sawdust, shavings, charcoal dust, peat, &c., it may be reasonably questioned how far the operation of this branch of our Government serves to encourage and foster honest talent and industry, and specially the development of really useful and substantial improvements in desirable pavement compositions.

Less than fifteen of these patented compositions present to-day any claims to the attention of practical men, and perhaps not one-half of these have more than partially succeeded, and some have totally failed, for want of correct knowledge and experience in combining and manipulating materials on the part of the patentee.

A pavement composed of broken stone, gravel, sand, or their equivalents, if they can be found united with asphalt and coal-tar bitumen, properly prepared, without doubt will make a roadway which shall prove both cheap and durable; but no process now in use, so far as known to the members of the board, by which any of the pavements are at present manufactured, offer such conditions of uniformity in the manipulations of the work as to warrant assurances of substantial success.

As a result of their discussion, the members of the board endeavored to present in this report some general conclusions as to the materials used, the manner of working them, and such other conditions as seem necessary, in their judgment, to render this class of pavement of practicable value.

The bituminous limestones of France, and especially the richest of these, that of the Val de Travers, in the canton of Neuchâtel, of which the asphaltic pavement laid in Paris, London, and elsewhere is composed, is believed to be the best material for this class of work. This interesting mineral deposit occurs in the Jurassic limestone formation, and is the equivalent of the English oolite.

The percentage of bitumen in natural combination with the limestone is large, containing, according to a statement in the specifications of Claridge's patent of November, 1837, carbonate of lime and bitumen in about the proportion of 90 parts of carbonate of lime to 10 parts of bitumen. No material which corresponds to this has as yet been found in this country.

What effect the climate and changes of temperature here will have upon this material is not yet known. Possibly the range and alternations of heat and cold will subject it to severe tests, with results differing from European experience.

Samples are to be laid in this country during the current year.

This bitumen is so intimately and evenly distributed throughout the limestone that when prepared for surface application it readily reunites and forms a complete and homogeneous mass, with very little labor.

It has not been possible, so far, to produce, by mechanical combinations, a composition which meets the necessities of a good pavement so well. Asphalt and coal-tar bitumen, however, is substituted, and is found to answer very well. Much doubtless is yet to be learned as to the best mode of their mechanical and chemical treatment. Their sale and use for the manufacture of composition pavements has very largely increased during the last few years.

No doubt exists as to a sufficiency of supply to meet the constantly increasing demand for them.

By inquiries and investigations, in which the board were assisted by Professor Chandler Ph. D., professor of chemistry of the school of mines, Columbia College, New York, it was found that a serious impediment to their successful use lay in the manner in which the asphalt was prepared for shipment to this country from the island of Trinidad, and other places where its deposits are found.

The operation of refining is very imperfectly done, so that variable and sometimes large percentages of refuse and deleterious matter, as bituminous, scoræ, vitrified sand, cinders, &c., are contained in the material as supplied for use. Dr. Ure, in several analyses, states that he found from 20 to 30 per cent. of this refuse matter. This variable nature in the quality of the asphalt not only seriously impairs its value, but likewise renders somewhat uncertain the results of its use where fixed rules as to quantities have been established.

It is also believed that a serious objection exists in the manner in which the material is treated for the purpose of separating these foreign substances that may be contained in the asphalt when quarried, and in distilling volatile matter. Investigation seems to indicate that the heat is applied in an irregular and unsystematic manner, and with such carelessness as to frequently destroy much of the valuable part of the asphalt. In this condition, after being placed in barrels and shipped to market without any mark or brand to indicate its impaired value or uselessness, it finds its way into the hands of the contractor, who, with ever so sound a formula, in theory will fail of a satisfactory practical result when this burned or calcined, or otherwise defectively treated material, is used, in spite of the most conscientious efforts on his part to make a good piece of work. The same general objections are equally applicable to the use of coal-tar as prepared and used at present.

The preparation of asphaltic and coal-tar bitumen, to make it most valuable for the use, herein discussed, must involve improved machinery, a more extended scientific supervisions and systematic labor. Such a process will necessarily enhance the first cost of the material, but its subsequent value resulting from its known uniformity of character and reliability will increase in proportion as the standard established as to quality is improved, and the strictness and honesty with which manufacturers adhere to it.

The work that has been done so far in all directions has been in the form of a series of imperfect experiments, in which the preparation and combination of the materials have been so frequently modified as to present but little value, so far as repeated applications of a well-developed principle is concerned.

Any process which will not with reasonable certainty secure uniform application of heat to, and proper supervision over the distillations necessary to bring the material to its most desirable condition, will prove objectionable for these two reasons, viz: 1st. It will either result in the destruction of valuable properties of the material, or, 2d, will impair its usefulness to an almost equal degree by the imperfect evolution or distillation of volatile or other useless matter.

With regard to coal-tar the same difficulties arise, as to its treatment for use as a concreting material. It is only the result of recent experience that the desirability of a careful reduction or distillation was found to be desirable or necessary. When drawn from the receivers it contains a large percentage of useless matter, water, and the light or volatile oils. The value of its solid portions varies under the circumstances of the kind of coal used, and the variations in the process of producing the gas.

The use of crude coal-tar produced by the manufacturer of gas is unequivocally condemned. The use of pine or wood tar in any form is also condemned.

The use of steam for heating purposes will be found in practice to be most essential, and its adoption both for the preparation of the crude asphalt and coal-tar for market, so far as it may be possible to do so, as well as by the manufacturer of pavements for the several processes of manipulating his materials, in the opinion of the board will go far toward securing most desirable results.

All the operations and processes under which any of these classes of pavement are to be laid should be clearly stated and understood by those for whom the work is to be done before work is commenced.

The work should be subjected to rigid supervision by an engineer, or other competent person; whatever degrees of heat the different processes require, they should be fixed and known and closely conformed to.

Much information will be derived in the future regarding the best mode of composing and laying these pavements. Up to this year no business enterprise involving such extensive labor and material interest seems to have lacked to such a degree the results and advantages of intelligent and systematic experiments.

As the question now stands, careful observation, accompanied by a thorough record of all the circumstances attending the doing of any work hereafter, will be of great value. These observations and record should begin with the preparation of the surfaces upon which the pavement is to be laid, noting the character of the soil, the conditions and peculiarities which may be met with, such as erratic deposits of material, requiring special treatment, springs, &c.; also the materials used in the superstructure, the specifications under which they are laid; length and time of laying, and such other details as will naturally suggest themselves as valuable to a thorough knowledge of the conditions under which the work was done. A series of observations under such circumstances, carried on during two consecutive seasons, in connection with work done by any of the reputable companies engaged in this work, will prove of exceptional value, alike to them as to those seeking information as to their practicability.

The requirements and characteristics of a good roadway are very much the same as regards their construction, whether it be of stone or gravel, or a composition of stone and gravel, with bitumen.

Bituminous composition pavements should be placed upon well-prepared foundations of concrete, made of broken stone, with hydraulic lime or bitumen as the matrix. Such a foundation has been made use of in all cases in France and England, and it is to that fact, in conjunction with the more thorough manner in which the work is done, that is to be attributed to a large degree the success that has attended such work. Pavements have been laid in this country on road-beds utterly unfit to receive them, without special treatment, and the nature and condition of such surfaces have been deemed to be of little importance by some manufacturers, either as detracting from or contributing to the integrity and durability of the superstructure; but many attempts to render such a pavement lasting have failed for this reason.

Preparatory to laying any part of the road superstructure the ground should be shaped and compacted to a carefully prepared surface, which should be parallel with the surface of the superstructure when finished. Soft or uncertain ground, and special localities where erratic deposits of objectionable material occur, should be remedied by replacing them with stone, gravel, sand, or other reliable substitutes.

Moist, marshy, or springy ground, occurring within the line of the streets, should be so treated as to prevent the possibility of settling, or the working up of water through the

structure, either by excavating and replacing the objectionable material as above noted, or by leading the water, by tile or otherwise, beyond the line of the roadway. This surfacing should have suitable crowning to carry off any water that might find its way through the upper courses, and so reduce the risk of damage by frost. Upon the natural surface thus arranged, unless it should be a porous material, it would still further add to the completeness of preparation if a layer of sand, gravel, or other loose material were placed over the entire surface. Upon the road-bed, thus prepared, a layer or foundation of properly made concrete is laid, (varying in thickness, as hereinafter indicated, according to the use to which the roadway is to be subjected.) In any case, whether hydraulic lime or bitumen is used as the concreting substance, the material must be allowed to set properly.

The board are of the opinion that the strength and durability of the road largely depend upon the thoroughness with which this part of the work is done. It is very desirable that the finishing surfaces should in no case be placed upon the foundation course until all moisture is expelled, and until the concrete has become sufficiently indurated to prevent any movement of the material composing it when walked upon. Moisture in connection with the preparation and application of the bituminous compound must be entirely removed before it can be safe to use it, as the presence of water seriously interferes with the adhesive properties of the bitumen. No material should be manipulated during, and exposed to, wet weather, and materials, for like reason, which have been rained upon should not be laid until thoroughly dried.

A bituminous concrete pavement cannot, in the true sense, be made elastic, although we are accustomed to speak of it as a semi-elastic material, meaning that by slightly tempering it it is found to conform more readily to the changes of temperature, the range and alternations of which, in this country, no doubt render it one of the most formidable dangers to which these pavements are exposed. The proper use of materials necessary to secure a combination which will adapt itself most effectively to the changes of temperature—avoiding liability to excessive softening in summer, and to the frequent and uncertain cracking by contraction in winter to which a rigid compound is exposed—is a very important result to attain.

Geographical position will vary somewhat the relative proportions of certain ingredients required to produce the condition alluded to, but experience and intelligent observation will determine very nearly the manner of securing the desired end.

The surfacing material will, of course, vary according to the uses for which the road is intended, as well as to the different views entertained by the several patentees. In any event, it should be applied with regularity as to the thickness of the various grades of materials used; compacting by rolling, or otherwise, should be carefully and thoroughly done to secure uniform solidity and density of surface, as insuring more complete impermeability to water. This material will be found to consolidate under the pressure of traffic, and it is believed that the surface will harden to some extent by exposure.

Various artificial means are resorted to to harden these compounds, notably the use of sulphur, sulphuric acid, oxide of iron, cement and lime; some of these materials will, no doubt, harden these compositions, but, except with great care and a knowledge of their use, will add no permanent value to the pavement, while, on the contrary, any imprudent or excessive use would produce defective surfaces liable to excessive abrasion, as well as rapid disintegration.

A variety of other expedients have been made use of in the numerous compositions patented, which it is believed add little or no value to the combination, and many of them are positively injurious. The use of any such substances which in themselves are not of a durable nature, or which in conjunction with other matter do not change character or produce chemical combinations with other ingredients, is to be condemned, and the tendency to do work under patents comprehending the use of such materials should subject propositions for doing work under such circumstances to the severest tests of examination, as well as the work itself, if allowed to be done, before its acceptance.

All the processes of manufacturing these pavements, and especially in the application of the concrete and surfacing material, should be carried on in a careful and deliberate manner; no hurried or imperfect work should be permitted under any circumstances. All the work should be done under the very best combination of circumstances, and any compromise will be at the expense of the work, and, in case of failure, will largely relieve the contractor of his responsibilities. Thorough and perfect work at the outset will be found to give the greatest satisfaction, and will prove the most economical, for the reason that, however the contractor may be bound to insure perfect work, the repaired surface will not always be as good as the original, and the occupation of a street for the second time will prove both annoying and uneconomical.

The laying of these pavements should be limited and restricted always to fine weather, a moderate temperature and reasonably dry atmosphere being unquestionably the most favorable combination. These conditions are probably best secured within the period from April 1 to December 1, but may be exceeded in either case according to the locality of operations and the kind of weather prevailing at the time. This recommendation is simply intended to indicate, in a general way, that the prevalence of damp and frosty weather is unfavorable for this class of work.

The necessity of prompt repairs of all worn or defective surfaces is apparent. So long as the

concrete foundation is preserved intact, the work of repair is confined to supplying the surface-coating only, and its partial or entire restitution will be comparatively inexpensive.

The system adopted in Paris and elsewhere, by which repairs are made as soon as the smallest defect is observed, and before the defective portion is permitted to be enlarged or still further complicated by wear, is in all respects a desirable one to adopt in this country, and any organization or corporation having pavements of this character to any extent under their charge will find it economical to keep in constant employ a small corps of skilled laborers, who, by practice and experience, will become proficient in their repairing, and it is believed that the cost of maintenance will thereby be reduced to the minimum.

The merits of a well-made composition pavement are many. On the assumption that its construction, as to materials used and manner of manipulating them, is carried on upon the basis of recommendations and suggestions contained in this report, it should be a durable pavement; economy in first cost should constitute one of its first advantages. Repairs should be comparatively inexpensive.

The freedom from dust in dry weather, and from mud in bad weather, over other pavements, together with the facility with which it can be kept clean, is also clearly demonstrable, and in large cities and much-traveled streets this will undoubtedly prove very desirable.

The smoothness and regularity of the surface specially commend it as a traffic road, in view of the fact that it requires the minimum tractive power to a given load, exacting, so far as this class of roads is concerned, less strength and weight of vehicles, a consequent reduction of the dead weight, and a corresponding increase in the paying load. The pavement is free, to a noticeable degree, from noise and jar, and otherwise offers conditions favorable to the comfort and effectiveness of horses, and adds somewhat to the happiness of sensitive humanity. All pavements of this character must prove valuable in a sanitary point of view, in that they do not absorb water to any appreciable degree; they prevent exhalations of noxious gases. The material (bitumen) being a known antiseptic, their cleanliness is also a great recommendation.

Finally, the conclusions arrived at as the result of the examinations and discussions of the board may be briefly stated as follows:

First. The enforcement of a system for heating asphalt and coal-tar bitumen should be developed, under competent chemical investigations, by which a comparatively uniform standard of value may be established. And in this connection it is suggested that a series of trials of the use of material so prepared, under the directions of this board, be authorized.

Second. The adoption of improved machinery and of heating by steam for all purposes of manipulating the ingredients to be used.

Third. All the work to be done in the manner hereinbefore described, and in accordance with given formulæ or specifications, under the supervision of an engineer or other competent person.

Fourth. It is recommended that in all cases when it may be possible, sewers, gas and water pipe, and needed connections, should be put in within the lines of the street and sidewalks a sufficient time in advance to allow for proper settlement. It is believed that better work will result if the road-bed and foundation course of concrete is prepared and laid for the contractor, and the board thereforere commend that, whenever it may be practicable, this portion of the work shall be prepared in the most careful and thorough manner, ready for and preparatory to the work of surfacing with bituminous material.

The accompanying sketch shows the sections of three classes of roadways and walks, and while the dimensions may vary under certain circumstances, the board is of the opinion that their adoption as a minimum limit will secure in all cases a more complete and durable roadway than has heretofore been offered to the public. [See manuscript for sketch.]

Much time would be necessarily consumed in properly testing the various processes herein outlined, and following out results by careful experiments, but the board are convinced that the present system of manufacturing bituminous pavements is in need of entire reform, and they beg to suggest, in this report, the direction and manner of improvement which their investigations seem to point out.

It is certain that radical changes in the treatment of materials and their manipulations are necessary, and would greatly facilitate the proper development of a class of work in which the public is so largely interested, and which if found to succeed better by the adoption of these suggestions, or if the resulting investigations will develop more correct principles for the preparation and use of materials in this class of pavements, the objects of their labors will have been gained, and an important and increasing branch of industry and enterprise will be added to the successful labor of the country.

M. A. KELLOGG,

Engineer in Chief, Department of Parks, New York.

JOHN Y. CULYER,

Chief Engineer, Brooklyn Park Commissioner, Brooklyn.

JOHN D. ESTABROOK,

Principal Assistant Engineer, Fairmount Park, Philadelphia.

A. B. MULLETT,

Chief Engineer, Board of Public Works, District of Columbia.

S. P. BROWN,

Board of Public Works, Washington, D. C.

The following letter should have been inserted on page 734, immediately preceding the letter of Governor Cooke :

WASHINGTON, D. C., April 20, 1872.

The chairman presented the following communication from Mr. Alexander R. Shepherd :

BOARD OF PUBLIC WORKS, DISTRICT OF COLUMBIA,
Washington, D. C., April 16, 1872.

SIR : Having been present when Captain W. W. Moore made his original statement as to the rule of taxation in the District of Columbia, I have the honor, as requested by your honorable committee, to submit the following in answer thereto :

Inasmuch as the taxes for the year which terminates on the 30th June next have already been levied, the money collected, and nearly all of it disbursed, it is respectfully suggested that they can have no effect upon the question at issue.

The taxes in Washington for the current fiscal year consist of two kinds : first, those for the current, ordinary expenses, aggregating \$1.70 on each hundred dollars ; second, those for the payment of the floating debt and the interest on the bonds, amounting to 80 cents on the hundred dollars. By a bill which recently passed the House of Representatives, which, in a few days, will probably receive the sanction of the Senate, the floating debt of the old corporation, for the payment of which the 80 cents tax was levied, is to be funded and made payable within a period of thirty years. The people will thus be relieved of this onerous tax, made necessary as well by the credit of the District as by a provision of the organic act conferring upon the legislature power to raise, by special assessments, a sufficient amount to pay the indebtedness of the old corporation.

The third item of Captain Moore's statement has reference to the first four-million loan, and the interest and sinking-fund pertaining thereto. These, in his opinion, will require an assessment of 59½ cents on each hundred dollars. As will be seen by the summary hereinafter given, however, they will be provided for in the levy for the District fund without the addition of a cent to the taxes.

Captain Moore's fourth item is in regard to the second four-million loan, which, it is well known, will not be negotiated. At the request of the authorities of the District, our Delegate in Congress has introduced a bill (which, it is hoped, will soon become a law) annulling the act which made provision for this particular loan.

With regard to the fifth item, I beg to say that the act authorizing the issue of bonds for the benefit of the Piedmont Railroad Company is not yet a law, and cannot be until it shall have received the sanction of Congress. Should that sanction be given under the restrictions proposed by the Senate, some years must elapse before our people will be called upon to pay either interest or sinking-fund.

Item six has reference to the \$450,000 water loan. This loan, principal and interest, is payable out of the water fund, and cannot, therefore, be properly considered a general tax. It is true that in his special pleading Captain Moore assumes that, no matter from what fund it is paid, it is yet necessarily a tax on the people : but I am sure that your honorable committee will agree with me that it cannot be fairly embraced in his enumeration.

The act authorizing the issue of market-house bonds, and providing for principal and interest, referred to in item seven, has not been executed, and may not be for years. If it should ever be put into effect, the market will not only be a self-sustaining institution, but the revenues from the rent and sale of stalls will doubtless meet the interest, and within a few years retire the principal. I regret that, in proof of this assertion, I am unable to accompany this communication with an instructive report made by Captain Moore, two or three years since, when a member of the board of aldermen of the city of Washington, in which the profitable nature of a market-house enterprise is clearly demonstrated.

SUMMARY.

It is respectfully suggested that the aggregate of taxes to be levied during the coming fiscal year is to be determined, not by mere special pleading nor the distortion of facts, but by a careful computation and analysis of the current expenses of the government of the District, including the interest on its bonded debt. The following estimate of these is submitted for the consideration of your honorable committee :

<i>Estimated expenditures.</i>	
Public schools	\$400,000
Fire department.....	75,000
Metropolitan police	90,000
Lighting the city with gas.....	70,000
Ordinary and contingent expenses of the government of the District of Columbia	282,634
Interest and sinking fund on debt, estimated at eight millions.....	600,000
Contingencies	100,000
	1,617,634

Estimated revenue.

Estimated assessment, (in round numbers,) \$90,000,000. This amount, at \$1.70 per hundred dollars, will yield	\$1, 530, 000
Estimated revenue for licenses	150, 000
Estimated revenue from water fund	40, 000
	1, 720, 000

The estimates of receipts and expenditures above given are based upon the experience of the past year, and are, I believe, as nearly correct as it is possible to make them. The allowance for the interest and principal of the debt (which I have placed at eight millions, and in which I have included the \$400,000 water loan) is, in my opinion, not only ample, but in excess of what will actually be required.

Permit me to say that I have endeavored to make this statement as succinct, intelligible, and accurate as possible, in order that the allegation of excessive taxation, made to the detriment of the interests of the entire community and to the injury of our credit, may be promptly met and emphatically disproved. It does seem to me that, had Captain Moore, turning aside from his efforts to exhibit our local taxes in excess of their real rates, contributed his abilities toward strengthening our credit and aiding our people in their endeavors to keep pace with American progress, his action would have been more in accord with his reputation as a citizen and a legislator.

Very respectfully submitted.

ALEX. R. SHEPHERD.

Hon. H. H. STARKWEATHER,

Chairman of the Committee for the District of Columbia,

House of Representatives.

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CLAIM OF CONNECTICUT AND OTHER STATES.

MAY 16, 1872.—Ordered to be printed and recommitted to the Committee of Claims.

Mr. STRONG, from the Committee of Claims, made the following

REPORT:

[To accompany H. R. 2709.]

In regard to House bill No. 2709, entitled "An act for the relief of the State of Connecticut and other States," your Committee of Claims would beg leave to make the following report:

During the early part of the war the United States allowed to each regiment one assistant surgeon. The State of Connecticut, deeming two necessary to the welfare of the men, appointed an additional or "second assistant surgeon" to each regiment, who performed duty sometimes with the regiment and sometimes on detached service, connected with United States volunteers, by order of the commanding officer. Sometimes the surgeon or first assistant surgeon was ordered on detached service, while the second assistant surgeon performed their duties. Payment for these surgeons is the relief now asked for in this bill.

In order to have a full and proper understanding of the nature and character of these expenditures, your committee referred the bill and accompanying papers to the honorable the Secretary of War, with request that he make an examination of the case and report at his earliest convenience. The report of the honorable the Secretary of War is hereby made a part of this report, and marked Exhibit A.

The State of Connecticut, considering that these claims were just and properly reimbursable under the act of Congress of July 27, 1861, presented her claims to the Treasury Department for reimbursement under said act. Under date of May 3, 1872, the Hon. J. M. Brodhead rendered a decision in the claim of Connecticut. Said decision is hereby referred to, marked Exhibit B.

It appears to your committee that when the State of Connecticut employed these medical gentlemen as above indicated, it was deemed advisable (for the want of the applicability of any better name) to classify them as second assistant surgeons, and pay them at the rate allowed "assistant surgeons." Such payment was for services faithfully rendered to, for, and on account of troops raised for and subsequently mustered into the United States service. At the time these medical gentlemen were employed as specified, duly authorized recruiting parties and squads of recruits intended for various companies and regiments in pro-

cess of organization, were occupying sectional parts of nearly every city, town, and village within the State.

The General Government, or its agent, the governor of the State, was bound (see section 7 of General Order No. 70 of 1861, and paragraph 1273 Army Regulations of 1861) to promptly furnish efficient medical attendance as well as medicine for such volunteer troops, individually and collectively, as actually became in need thereof while organizing within the State.

2.

The Army and recruiting regulations, as well as acts of Congress, positively required that each and every recruit, before his acceptance into service, should be examined by a surgeon or physician duly appointed or ordered to the duty of inspecting recruits as to their fitness for military service. (See General Order No. 51 of 1861, and paragraphs 977 and 978, Army Regulations of 1861.)

3.

That the services of these medical officers were necessary in many instances during the organization of regiments and before completion thereof is manifest from General Order No. 78 of 1861, which stated: "The governors of the several States may at any time during the organization of a volunteer regiment authorize the medical officers thereof to be mustered into service, to aid in recruiting the regiment, and for the prompt transaction of other public business."

4.

The order referred to placed all bodies of men (volunteers) organizing in the State of Connecticut under the governor of the State, to be organized or re-organized, as he might "judge most advantageous for the interests of the General Government." This authority was continuous during the war.

5.

In endeavoring to meet his obligations, some embarrassment was occasioned to the governor in consequence of the fact that only two medical officers were allowed to each organized regiment or collected body, while, as yet, certain classes of men, bound by enlistment, were then and there engaged in service and military details to form a regimental organization for muster-in by ultimately uniting in a grand body. In one word, regimental organization was not yet completed in many instances, but the component parts thereof, or squads of men, necessary to such completion were being collected at different points throughout the State as a forerunner to coalescence.

6.

Bodies of men rendezvoused at various localities (where, without great expense, neither of the two authorized regimental medical officers could reach them,) positively required, and had a right to demand, medical aid, inspection, and medicines. In the exercise of his judgment in the matter and as the agent of the General Government, the governor was authorized to exercise and promptly act upon it. The good of the

public service as well as the principles of humanity rendered it absolutely necessary to employ these physicians to meet the emergencies of the service. The question was, under what system shall these men be employed? The Army regulations answered, technically, by "contract."

7.

Special contracts with individuals would not, and indeed could not, remove the cause of embarrassment, or meet the emergencies on every hand within the State. It became positively necessary to create a new system, and it was deemed wise to classify the physicians, by issuing commissions or reliable appointments to them, in return binding the employes by their acceptance. This system operated as an inducement, which led many a good physician to "abandon his business" at home, "and give his whole time to the public service." (See paragraph 1269, Army Regulations, and General Order No. 65 of 1862.)

8.

It had a double advantage over the "contract system" in this, that it bound the gentlemen of the medical profession to service under orders from time to time, changing their stations, and so on, to any field or danger, as occasion might demand, without reference to technical stipulations of contract.

9.

These, then, being already specified for each regiment—the two grades, one of surgeon, the other of assistant surgeon—it seemed desirable to place the new class of employes in the same branch or under the medical heads, but with subordinate rank, to the positions already marked for regimental officers. It is, therefore, considered that the governor wisely classified the additional medical force as second assistant surgeons.

10.

The State employed only so many as were actually necessary to meet the demands of the service in connection with troops employed for the General Government. The physicians performed their duties as stated, and many, if not all of them, were eventually mustered or employed in the service of the United States. It appears from the letter of the Secretary of War (marked Exhibit A) that if these men had been employed under contract, the State would have been justified in demanding reimbursement under the act of Congress of July 27, 1861.

As these payments were made for services faithfully rendered to the United States for and on account of troops raised for and subsequently mustered into the service of the United States, it is submitted that said amounts so paid by the State should in justice be allowed. The State authorities acted in good faith as the agents of the General Government, and did what in their judgment, under existing circumstances, was wise, prudent, and economical, without any expectation of gain to the State except such as would result from saving or prolonging the lives of Union soldiers.

Your committee would therefore respectfully recommend the passage of the bill.

EXHIBIT A.

WAR DEPARTMENT, *May 14, 1872.*

The Secretary of War has the honor to communicate to the House of Representatives, in accordance with the request of its Committee of Claims, the following facts in reference to the bill (H. R. 2709) "for the relief of the State of Connecticut and other States," whose authorities employed and paid *extra* medical officers in connection with troops raised for the United States service during the rebellion.

When the Connecticut war claim, filed under the act of July 27, 1861, received administrative examination at this Department, certain amounts, claimed as paid for services of *second* assistant surgeons, were disallowed. The disallowance was based upon the ground that during the late war no volunteer regiment was allowed *two* assistant surgeons at the same time until the law of July 2, 1862, came into existence, and that law could not be construed as retroactive.

The physicians employed as second assistant surgeons were classed *commissioned* officers, and as such were paid by the State of Connecticut, and perhaps by other States, for services rendered prior to July 2, 1862; therefore they being rated *commissioned* officers without authority of any United States law, could not be recognized at this Department as proper employés. Had the same persons been employed and paid as contract physicians, for the purpose of serving with troops, they could have been recognized at this Department as proper employés under the Army Regulations. In either case, as second assistant surgeons, or as contract physicians, the services rendered by the individuals might have been the same.

Otherwise than as above set forth, this Department has not particularly objected to the charges for services alleged to have been rendered by the medical officers referred to in the bill, and does not doubt that the executive of Connecticut and the governors of other States, during the war, conscientiously believed that the interests of the public service demanded the employment of additional regimental medical officers some time before two assistant surgeons for a regiment of volunteers were authorized or recognized by any law of the United States.

WM. W. BELKNAP,
Secretary of War.

EXHIBIT B.

In the matter of pay to certain second assistant surgeons of Connecticut volunteers, claim being made by the State of Connecticut under the act of July 27, 1861, reimbursing States for expenses incurred by them in defense of the United States.

TREASURY DEPARTMENT,
SECOND COMPTROLLER'S OFFICE,
May 3, 1872.

SIR: This claim, presented under the above-mentioned act, was disallowed upon revision of the vouchers in this office. It is now sought to re-open the claim upon argument showing the justice and reason for the allowance. The proof is not now reviewed, and there is no necessity for it, since the only question that is in controversy is one of law, which was

decided some time since, when this class of claims was rejected. I have carefully examined the argument approved by you, and, on the law of the case, am unable to agree with the reasons and conclusions of the argument.

The act of July 27, 1861, referred to, provides for the payment of "the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury."

The troops here spoken of are, by the invariable rule of construction given to this statute, limited to such troops as were mustered into the service of the United States, or actually employed in said service, and the time for which payment is authorized, under certain limitations, to be made by the State is the period prior to muster.

The number and grade of the officers included in the troops mentioned in this statute, although not limited and defined in terms, are nevertheless confined to the regular Army organization.

The second section of the act of July 22, 1861, entitled "An act to authorize the employment of volunteers," &c., prescribes the number and rank of the officers composing the line and staff of the regimental organization. "Each regiment of infantry shall have one colonel, one lieutenant-colonel, one major, one adjutant, (a lieutenant,) one quartermaster, (a lieutenant,) one surgeon, and one assistant surgeon, one sergeant-major, one regimental quartermaster-sergeant, one regimental commissary-sergeant, one hospital steward, two principal musicians, and twenty-four musicians for a band, and shall be composed of ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and from sixty-four to eighty-two privates."

Congress thus enumerated the officers, non-commissioned officers, and privates of the regimental organization, and to such only does the word "troops," as used in the act of July 27, 1861, refer.

Under this act no authority is given for the payment of brigadier generals appointed by the governor of a State, nor for third lieutenants, or two assistant surgeons.

Until the passage of the act of July 2, 1862, an act to provide for additional medical officers of the volunteer service, one assistant surgeon of a regiment only could be employed and paid. This act provides that "each regiment of volunteers in the service of the United States shall have two assistant surgeons."

The statutes thus referred to relate to the same subject-matter, to wit, assistant surgeons, and are to be construed together. Viewed in this light it is clear that for the employment and payment of a second assistant surgeon prior to July 2, 1862, there was no authority of a law of Congress. The reason of the argument for a re-opening of this class of claims is, therefore, not supported by law, and an appeal to Congress for additional legislation is the only proper recourse.

J. M. BRODHEAD,
Comptroller.

Hon. MARSHALL JEWELL,
Governor of Connecticut, Hartford, Connecticut.

HAMILTON WOOLEN COMPANY.

MAY 18, 1872.—Ordered to be printed.

Mr. STRONG, from the Committee of Claims, made the following

REPORT:

[To accompany H. R. 1404.]

Your committee, to whom was referred a bill for the relief of the Hamilton Woolen Company, of Southbridge, Massachusetts, the same being House bill No. 1404, respectfully report adversely to the passage of said bill, for the following reasons:

1st. The taxes which said company ask should be refunded were legally assessed and collected.

2d. Ample opportunity was afforded for an appeal to the Court of Claims, and no just cause of complaint exists in the premises.

Wherefore, your committee recommend that said bill be laid upon the table.

HAMILTON WOODRUFF COMPANY

MAY 12, 1870 - ORDER TO PAY

The Board, from the Committee of Finance, made the following

REPORT:

(To accompany H. R. 1000)

The Committee, to whom was referred a bill for the relief of the Hamilton Woodruff Company, of Southbridge, Massachusetts, the same being House bill No. 1000, respectfully report adversely to the passage of said bill, for the following reasons:

1st. The taxes which said company are entitled to refund are legally assessed and collected.

2d. A sale of said property was ordered for an appeal to the Court of Appeals, and no case of complaint exists in the premises.

3d. The Committee recommend that said bill be held upon the table.

MARY BARLOW.

MAY 18, 1872.—Laid on the table and ordered to be printed.

Mr. STRONG, from the Committee of Claims, made the following

REPORT:

[To accompany bill H. R. 1594.]

The Committee of Claims, to whom was referred House bill No. 1594, "for the relief of Mary Barlow, widow of Judge Barlow, a loyal citizen of Louisiana," having had the same under consideration, submit the following report:

That there is no evidence whatever to sustain the allegations that the "property taken and destroyed" was taken by authority of the Government, and it is a natural conclusion, as in fact appears from collateral evidence, that the "property taken and destroyed" was the unauthorized and lawless act of soldiers, for which the Government never has and never ought to be held responsible. Your committee therefore report the bill back to the House, with the recommendation that the same do lie upon the table.

MALT

There is a large quantity of malt in the country, and it is a very important article of commerce.

The quantity of malt in the country is estimated at 1,000,000 bushels.

REPORT

By the Hon. the Secretary of the Treasury

The quantity of malt in the country is estimated at 1,000,000 bushels. The quantity of malt in the country is estimated at 1,000,000 bushels.

There is a large quantity of malt in the country, and it is a very important article of commerce. The quantity of malt in the country is estimated at 1,000,000 bushels. The quantity of malt in the country is estimated at 1,000,000 bushels.

S. S. POTTER.

MAY 20, 1872.—Ordered to be printed.

Mr. BUCKLEY, from the Committee of Claims, made the following

REPORT:

[To accompany bill H. R. 2803.]

The Committee of Claims, to whom was referred "the memorial of S. S. Potter, for pay for use of his building as hospitals," make the following report:

This case shows that Samuel S. Potter, the claimant, was principal of the New Albany Female Seminary, at New Albany, in the State of Indiana, and that he had been, for a number of years, engaged in building up a large and flourishing seminary of learning at that place. His high character and general reputation as a successful teacher attracted to his institution a large number of pupils. Six persons were employed as teachers.

In the fall of 1862, about the time of the battle of Perryville, and when Bragg was marching upon Louisville, Kentucky, all the seminary buildings occupied by Mr. Potter were seized by Dr. J. F. Head, surgeon United States Army, and medical director of the district of Kentucky, under Major General Nelson, United States Volunteers. The school furniture, the chemical and philosophical apparatus, were put out doors in the yard, and the entire school was broken up. Mr. Potter, whose family was domiciled in the seminary buildings, was compelled to rent a dwelling in which to put his family. He was obliged to store his school furniture and apparatus. He was compelled to abandon all attempts to continue his school, because of his inability to obtain other buildings, eleven large hospitals having been established in the town, and all buildings suitable for school purposes were occupied.

The papers show the expenses to which Mr. Potter was subjected by reason of this seizure of his buildings. The committee are of the opinion that the case is a meritorious one, and therefore report the accompanying bill and recommend its passage.

REPORT

OF THE

COMMISSIONERS OF THE DISTRICT OF COLUMBIA

REPORT

OF THE

COMMISSIONERS OF THE DISTRICT OF COLUMBIA
TO THE HOUSE OF REPRESENTATIVES

IN RESPONSE TO A RESOLUTION PASSED BY THE HOUSE OF REPRESENTATIVES
MARCH 1, 1918

IN THE CITY OF WASHINGTON
JANUARY 1, 1919

JAMES A. McCULLAH.

MAY 20, 1872.—Ordered to be printed.

Mr. BURCHARD, from the Committee of Ways and Means, made the following

REPORT:

[To accompany bill H. R. 2852.]

J. A. McCullah was removed from the office of collector of the fifth district of Missouri, October 22, 1866, and directed to turn over such of his tax lists as he considered collectible; and, in compliance with this instruction, he turned over to his successor lists to the amount of \$45,323.36, and retained, as uncollectible, \$5,215.09, most of which has since been abated by the Department.

Of the lists transferred to his successor there was \$37,509.17 collected, when they were totally destroyed by fire, leaving a balance of \$8,129.48 uncollected, which still stands charged against him, as appears from the letter of the Commissioner of Internal Revenue.

By the regulations of the Treasury Department, an outgoing collector is not credited with the lists he transfers to his successor, but they remain charged against him until collected by his successor. The amount therefore of \$8,129.48, which was not collected on account of the destruction of the lists while in the hands of Mr. McCullah's successor, remains charged against McCullah, and suit has been brought against him to collect it.

There has been no default on the part of McCullah. He did not collect the amount which, under the regulations of the Department, he is held responsible for. He had no control of the lists, and was not even responsible for their destruction, they having been transferred in regular manner to his successor.

It appears from the letter of the Commissioner that McCullah might have obtained an abatement of the uncollected taxes on the lists destroyed in the usual mode; but even that cannot now be done, for reasons which are clearly shown in the letter of Mr. McCullah herewith, marked "B." The statement of Mr. McCullah will be more clearly understood when attention is called to the Commissioner's letter, before referred to, in which it is stated that the duplicate lists were also destroyed by fire on the 10th of January, 1871, so that there are now no copies of the lists in existence from which abatement lists can be made as required. McCullah, therefore, has no other source of relief than from congressional action.

JAMES A. McCULLAH.

MAY 20, 1872.—Ordered to be printed.

Mr. BURCHARD, from the Committee of Ways and Means, submitted the following

REPORT:

[To accompany bill H. R. 2852.]

The Committee of Ways and Means, to whom was referred House bill No. 2852, being a bill for the relief of James A. McCullah, late collector of the fifth district of Missouri, respectfully report :

That James McCullah was collector of internal revenue of the fifth district of Missouri, and was removed October 22, 1866.

He was directed to turn over his tax-lists to his successors.

The amount at that time outstanding and unaccounted for upon the assessment-lists receipted for by Mr. McCullah, was \$50,538.45, of which there has been collected by his successor \$37,509.17, and abated by the Internal Revenue Commissioner, as uncollectible, \$4,899.80; still to be collected by Mr. McCullah's successor, \$8,129.48. By the regulations of the Treasury Department an outgoing collector is not, upon their transfer, credited with the amount upon the lists, but the same remains charged against him until collected by his successor.

The amount uncollected on said lists (\$8,129.48) stands charged to Mr. McCullah, as late collector, and suit has been commenced.

By the rules of the Department Mr. McCullah was required to state what amount he considered collectible and what uncollectible. He made such statement representing that of the \$50,538.45 the sum of \$45,323.36 he considered collectible, and \$5,215.07 as uncollectible. The latter sum has been nearly all abated.

While these assessment lists were in the possession of, and being collected by, the successor, they were consumed by fire, which destroyed the collector's office and contents, on the 6th of November, 1867.

On the 10th of January, A. D. 1871, by a fire which consumed the assessor's office of that district, the duplicate copies of these same lists were destroyed, so that there is now in existence no records or other written evidence under the control of the Department to determine what portion of the amount now outstanding and unaccounted for on lists of Mr. McCullah has been collected by him, or what part of this amount might properly be abated to him as uncollected. Mr. McCullah, by proper diligence and compliance with the directions of the Department, perhaps, during the existence of these records, might have obtained an abatement in part, at least, of the amount charged against him, but your committee believe that he should not be held to account

for uncollected taxes upon lists in the hands of his successor unless it appears that the sums claimed by the Government had been collected by Mr. McCullah, or remained uncollected through his fault or negligence.

The committee therefore recommend the passage of the accompanying substitute for the bill referred to the committee.

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JAPANESE INDEMNITY FUND.

May 20, 1872.—Ordered to be printed.

Mr. BANKS, from the Committee on Foreign Affairs, made the following

REPORT:

[To accompany H. R. 2849.]

The Committee on Foreign Affairs, to whom were referred several bills to provide for the appointment of a secretary of legation at the court of Japan; to appoint student interpreters at that court; to compensate the Japanese government for the United States legation buildings in Japan; concerning unpaid installments of the indemnity fund, with several communications from the Secretary of State upon the same subjects, have considered the same, and report them to the House for consideration, with a statement of the origin and character of the Japanese indemnity fund.

Commercial intercourse between Japan and Christian nations was commenced by Commodore Perry's expedition from the United States in 1852. A treaty of peace and amity between the United States and Japan was signed the 31st of March, 1854. This was the first treaty made between Japan and foreign powers. It opened the ports of Simoda, in the principality of Idzu, and Hakodadi, in the principality of Matsai, to American vessels, and secured to Americans the freedom of the country within the limits of seven Japanese miles from an island in the harbor of Simoda. It also authorized the appointment of consuls for the United States at Simoda. After an absolute prohibition of communication with foreign nations for two hundred years, diplomatic intercourse was established by the United States. The Portuguese and Dutch had enjoyed the privilege of sending one or two vessels a year to Japan from an early period, but with very limited trade and no intercourse with the people. The success of the United States led England and Russia to send expeditions to Japan, and in the year following the negotiation of the American treaty, the same advantages were granted to England, Russia, and Holland. A convention negotiated by Commodore Perry June 17, 1857, opened the port of Nagasaki, in the principality of Hizen, and secured the right of citizens of the United States to reside permanently at Simoda and Hakodadi. In July, 1858, Mr. Townsend Harris negotiated a commercial treaty for the United States upon the basis of that negotiated between the United States and China in 1854. This treaty permitted the residence of diplomatic agents at Yedo, and the appointment of a minister of Japan, to reside at Washington, and consuls at all ports of the United States. The ports of Kanagawa, Nagasaki, Nee-gata, and Hiogo were opened in succession at different periods of time to American vessels. Americans were allowed to reside at Yedo and at Osaca for purposes of trade. Religious freedom was secured to Ameri-

cans, and places of public worship were to be protected by the Japanese government.

Intercourse was thus established with the principal Christian nations after an isolation of more than two hundred years. Great opposition was made to the new policy of Japan by some of the native princes, who were sustained by their retainers among the lower orders of the people. The period immediately following the negotiation of the commercial treaty by Mr. Harris was one of violent disorders; the Tycoon was assassinated, one of the principal officers of the foreign legations was murdered, and several legation buildings were burned. The native princes held in their pay masses of the people, who endeavored to intimidate native merchants and destroy the trade with foreigners. Small traders and working men were organized against the supporters of the new policy and those engaged in foreign commerce, and some of the most prominent silk merchants were assassinated during the period.

The rebels against the liberal policy of the Japanese government seized the forts, and some of the principal naval posts, and made war upon all foreign vessels. The American frigate *Wyoming* and the merchant ship *Pembroke* were fired upon in 1863. In 1864, Choshu, Prince of Nagato, who ruled the provinces of Suwo and Nagato, having absolute possession of the Japanese fortifications which commanded the straits of Simonoseki, and having with him the person of the Mikado, or spiritual ruler, refused to recognize the validity of the treaties concluded by the Tycoon with foreign powers, and closed by force this chief passage to the principal inland sea of the empire.

In this controversy the Tycoon desired at first to conciliate the anti-foreign party, and was disposed to yield to their demands; but he was relieved from that necessity by the support which the treaty powers gave to his government. At his request the forces of the United States, Great Britain, France, and the Netherlands in Japanese waters jointly determined to open the straits by force. The campaign opened on the 4th of September, 1864, and lasted five days. The fleets destroyed the batteries commanding the straits, blew up the magazines, threw shot and shell into the sea, carried away seventy cannon, and obtained an unconditional surrender from Prince Choshu, who agreed to pay the expenses of the expedition.

The treaties were ratified by the Mikado, as they had been before by the Tycoon, thus uniting the two elements of power existing in the government of Japan, and the liberal foreign policy of the Tycoon was firmly established. The government of the Tycoon, preferring to assume the expenses of the expedition, which Choshu had agreed to pay, entered into the convention of October 22, 1864, stipulating to pay the four powers three millions of dollars, "this sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnity, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons." The whole sum was to be paid quarterly, in installments of half a million of dollars each.

One million and a half of dollars have been paid under this convention, and one million and a half of dollars remain unpaid. The Japanese government asked to have the payment of the balance deferred until 1872, because of its utter inability to meet the demands made upon it pursuant to the convention, its obligations to the allied governments being, however, fully recognized.

The Secretary of State informed the Committee of Foreign Affairs, by letter dated , 1872, that the whole amount to be paid, under the convention, to the four powers was three millions of dollars; and

it was stipulated that it should be paid in installments of one-sixth of the whole amount. Three installments have been paid to the several powers, amounting to one million five hundred thousand dollars; three remain unpaid, the principal of which amounts to one million five hundred thousand dollars, the share of the United States therein being three hundred and seventy-five thousand dollars.

Of the amount already paid by the government of Japan, one-fourth part has been received by the United States; which, being placed to its credit with Baring Brothers, of London, yielded the sum of £88,881 10s. 10d. This, transferred to New York, produced in currency the sum of \$586,125.06. These funds were invested in ten-forty bonds of the United States at par. The accruing interest has been invested in the same class of bonds. This fund now amounts to \$705,000, in registered bonds. The Secretary of State, in a communication, (Senate Ex. Doc. 58, Forty-first Congress, second session,) says that he is not aware of any claims against this fund.

In a letter dated January 8, 1868, addressed to the chairman of the Committee on Foreign Affairs, the Secretary of State (Mr. Seward) made this statement: "That pursuant to the stipulations of the treaty with Japan of the 22d of October, 1864, to which the United States was a party, this Government has received from the Japanese government, *without substantial equivalent*, as its share of the indemnity stipulated to be paid by that treaty, the sum of \$600,000 in gold. This amount has been invested in United States registered bonds, and awaits such disposition as Congress may direct."

The aggregate claims for all injuries to American citizens and property in Japan was stated by the American minister, in December, 1863, at \$30,000. Demands were made for \$32,000, exclusive of the damage done to the *Pembroke*, which was fixed by the Japanese government at \$10,000, (Pages 463 and 475, Dip. Corres. 1864-'65, part 3.) So that the whole amount of damages claimed by the United States would not exceed \$42,000 up to December, 1863.

The naval force of the United States on the coast of Japan in September, 1864, was the *Jamestown*, with two hundred and eighteen men and twenty-one guns, and a chartered steamer, *Ta-Kiang*, with forty men and three guns. The *Jamestown* was assigned to the defense of the port of Yokahama, and the *Ta-Kiang* formed part of the expedition to Simonoseki. The French naval force consisted of the *Semiramis*, *Dupleix*, and *Tancred*, with sixty-four guns and eight hundred and fifty men. The English fleet numbered ten war vessels, with one hundred and sixty-four guns and two thousand eight hundred and fifty men, including marines and engineers. The Netherlands had four war-vessels, with fifty-six guns and nine hundred and fifty men.

It appears from this history that the indemnity fund was intended to satisfy "all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnity, ransom of Simonoseki, or expenses entailed by the operations of the allied squadrons." The Government of the United States has already received a sum which, with the interest thereon, amounts to more than \$700,000. All the claims for injuries sustained by this Government in consequence of the operations of Nagato do not amount to \$40,000. The expenses incurred by the Government of the United States by the participation of the chartered steamer *Ta-Kiang*, in the operations against Simonoseki in 1864, cost the Government only a few thousand dollars.

The claim is, therefore, as stated by the late Secretary of State, Hon. William H. Seward, substantially without equivalent. It is confidently

believed by the Committee on Foreign Affairs, after a very careful consideration of the circumstances of the case, that the United States may wisely remit the unpaid installments of this indemnity fund without injury to the Government or the people. It is believed that such a policy will result in the establishment of more intimate relations between this Government and the government of Japan, and ultimately prove of great benefit to the commerce of the two countries and accelerate the progress of civilization.

The committee unanimously report a bill releasing the government of Japan from the payment of the installments of the indemnity fund remaining unpaid, and recommend its passage.

INVESTIGATION OF NAVY DEPARTMENT.

MAY 22, 1872.—Laid on the table and ordered to be printed.

Mr. SARGENT, from the select committee to investigate alleged abuses in the Navy Department, made the following

REPORT:

The select committee appointed by the House of Representatives to investigate certain charges against the Secretary of the Navy, and to inquire into the administration of the Navy Department, have attended to the duty assigned to them, and herewith present the voluminous testimony taken in the case and their conclusions thereon.

The resolution of the House under which the committee was appointed, after reciting in the preamble that "charges had appeared in newspapers of large circulation, published in the city of New York and elsewhere, calculated to affect injuriously the reputation of the Secretary of the Navy, and to cast doubts upon the integrity of the administration of the Navy Department," provided that the committee should be appointed "to investigate any irregularities charged, and to inquire generally into the administration of the affairs of the Navy Department during the incumbency of the present Secretary."

The committee refer to the terms of this resolution in order to call attention, in the outset of this report, to two points: first, that the reason of the investigation ordered was the fact, as stated in the preamble, that public charges had been made affecting the personal character of the present Secretary of the Navy, and casting doubts upon the integrity of his administration; and, second, that the committee was authorized by the resolution not only to investigate the charges made, but also to inquire generally into the administration of the affairs of the Navy Department during the incumbency of the present Secretary.

The first branch of their duty involved an inquiry into grave charges affecting the personal and official character of the Secretary, while the second embraced a general examination into the administration of the affairs of his Department.

In view of these facts, the committee regarded the first branch of their duty as of paramount importance. It was nothing less than an investigation of public charges of crime against a high officer of the Government, requiring, if true, the immediate action of the House of Representatives, and demanding, if untrue, the most prompt and public refutation.

No particular newspaper was mentioned in the resolution, but it was generally understood that the charges alluded to emanated from the New York Sun; and we found, on examination, that that paper had contained almost daily, from the 17th day of February last, charges against the Secretary of the Navy such as are alluded to in the preamble of the resolution.

In order to understand the nature and result of the investigation made by the committee, it seems necessary that enough of these charges should be spread upon this report to show their character, and to furnish the means of judging how clearly they have been disproved.

It is necessary to read these charges in order to appreciate the thorough vindication of the officer implicated, which is disclosed by the testimony herewith submitted.

I.—THE IMPROPER ACCUMULATION OF A PRIVATE FORTUNE.

"Two years and a half have elapsed since his appointment to the Grant cabinet, and now George M. Robeson is reputed to be worth \$500,000." (Sun of February 17.) "Enormous robberies of the Treasury" have been "perpetrated by George M. Robeson and his associates in guilt." (February 24.) "In all the history of public robbery in this country there is nothing recorded" "that can surpass the achievements of President Grant's present Secretary of the Navy." (February 24.) The amount of coal, "the profits of which to Cattell and Robeson will be in round figures \$1,200,000, all pure robbery." (February 26.) "Uses his official authority to rob large sums of money from the Treasury of the United States." (February 26.) "Two years ago George M. Robeson was a poor lawyer in Camden, New Jersey;" now he is "a very rich man in Washington." (March 4.) His power as a cabinet minister he has "used to enrich himself and his confederates by gigantic stealing from the people." (March 4.) "The frauds and robberies of this" cabinet minister "are almost innumerable." (March 9.) "This man is one of the greatest public robbers of the day." (March 9.) "The great and manifest frauds and robberies committed by George M. Robeson." (March 11.) "A rough calculation shows that his robberies do not amount to less than \$1,400,000." (March 11.)

II.—COMBINATION WITH E. G. CATTELL, A SHIP-CHANDLER, IN PHILADELPHIA, TO PURCHASE SUPPLIES FOR THE NAVY.

"Every dollar's worth of supplies used at the Philadelphia, New York, and Mare Island navy-yards, purchased in open market, by Cattell." "Everything, in fact, contracted for without proposals, and without competition, by E. G. Cattell." (February 17.) "Conspired with E. G. Cattell, a ship-chandler, in Philadelphia, and others, to plunder the Government." (February 26.) "For these articles, thus bought by the Cattells, the Navy Department pays them far more than the market value, the difference being robbed from the Treasury." (March 9.)

"Every pound of coal purchased for use in the entire Navy is contracted for without competition by E. G. Cattell." (February 17.) "Every pound of it is bought at the mines for whatever figure he chooses to pay." (February 17.) "We say that Cattell has been empowered by Robeson, his associate in robbery, to buy for the Navy Department all the coal that is required for the Navy steamships. We say that Cattell buys this coal not by public competition but privately, paying such prices as he chooses, and that he doubtless divides with Robeson the money of which they thus rob the Government. We say that he pays on the average \$3 a ton for this coal in Philadelphia, and receives \$5 a ton from the Navy Department. The amount of coal to be consumed by the Navy in the year 1872 is estimated at 600,000 tons, the profits of which to Cattell and Robeson will be in round figures \$1,200,000—all pure robbery." (February 26, February 28, March 9.) "Now, all the coal consumed by the Navy for the present year is purchased through the Cattells," "and they realize a handsome profit of from \$1.50 to \$2 on every ton of coal furnished." (March 5.)

III.—CONSTRUCTION OF TORPEDO-BOATS.

"The contract for supplying the iron plates for these boats given privately by Cattell to one Pennock, of Philadelphia. The price to be paid is 10 cents a pound, or \$224 a ton. I am informed that all the rolled iron in Pennsylvania of the quality contracted for can be bought for \$150 a ton. About 1,500 tons of this iron will be required for the boats, so that it will be seen that Mr. Pennock's little job will amount to \$350,000." "This contract was given" "without issuing proposals" "or receiving bids." (February 17.) "We allege also that Robeson and Cattell have made a private contract for some 1,500 tons of iron plates to be used in building two torpedo-boats which Congress has authorized, and they pay for this iron \$224 a ton, when its market value is only \$150 a ton. This piece of robbery will hand the robbers a profit of \$111,000." (February 26; March 9.)

IV.—IMPROPER CONTRACTS FOR MACHINERY OF THE TENNESSEE.

An entire new set of machinery ordered for the Tennessee from Roach & Son, of New York, at a cost of \$300,000 and the old machinery. "This enormous contract, awarded without competition, and in secret." (February 17, February 26.) "This single item of Robeson's robbery amounts to \$400,000." (February 26.) "Robeson has made another secret contract with Roach to build engines for the two torpedo-boats. For these engines Roach is to have \$110,000 each, while other builders would have been glad to furnish them for \$60,000." (February 26.) "Robeson contracted to pay Roach \$300,000," for the new engine, "which is about what it is worth," and to give him, in addition, the present engine of the Tennessee. (March 5.) "Robeson steals it that he may divide its value between himself and his confederates." (March 9.)

V.—INCREASE OF THE NAVY.

Mr. Robeson a stockholder in the Chester Iron Works. These works to be awarded a contract for building six new frigates, "and as, at the very lowest calculation, they will cost \$2,000,000 each, it will be seen that the ring will pocket a nice fat sum." (February 17.) "These vessels must be built of iron, and with a view to this contingency, the Chester Iron Works have been purchased by Robeson and his associates to do the job." (February 26.) "This job would have put millions into the pockets of the ring, but the little job was defeated by Congress refusing to furnish the needful." (March 8.)

VI.—LIVE-OAK CONTRACTS.

"The great Louisiana timber contract has been given to Sam Brown of this city, as a *quid pro quo* for giving up furnishing supplies for the Washington navy-yard." (February 17.) "It is cut from lands reserved by the Government, yet each knee and beam is paid for as though it were owned exclusively by private individuals." (February 17.) "Congress last year appropriated \$500,000 for live-oak and other timber. This was a chance which could not be neglected, * * and one Sam Brown was sent down to the Atchafalaya country by Robeson to cut down the timber on the Government lands. This he is now engaged in. He will get the \$500,000, making of course a proper division with Robeson and Cattell, while it is estimated by experienced persons that his whole expenditure for cutting and transporting the timber will not exceed \$200,000. This will make \$300,000 which the Secretary of the Navy will have stolen out of the public Treasury, and divided with Cattell, Brown, and any other person who may have forced himself into association with this band of robbers." (February 26.)

VII.—BRICK FOR CALIFORNIA.

"Congress appropriated \$100,000 to build a naval store-house on Mare Island. The brick for this purpose could have been bought in California, the price being only 10 per cent. higher than in Philadelphia or New York. But Robeson and Cattell could not allow so excellent a chance of robbery to pass unimproved. They bought the bricks, between five and six hundred thousand, in Philadelphia, and shipped them to New York by canal-boats, paying for freight to this city quite as much as the difference between their price in Philadelphia and their price in San Francisco. Then they put them on board a sailing-vessel bound for California, by way of Cape Horn, and when they arrived at Mare Island the freight amounted to more than the original cost of the bricks. Out of the whole lot not a thousand good bricks remained. A second cargo is now on its way to Mare Island." (February 26, February 17, March 6, March 9.)

VIII.—THE SECOR CASE.

The sum of which Robeson had resolved to plunder the Government was \$93,000; but the written order directing the requisition on the Treasury was not received until a late hour in the evening, when the clerks had left. The next day was New Year's day—the 1st of January, 1870. But Robeson was peremptory, and would brook no delay. The requisition to bring him the money, the profits of the robbery he had resolved to commit, must be put into his hands. The necessary clerks were sent for, to be in the Department on New Year's day, and Mr. Lenthall was compelled to issue the requisition. Though out of the usual course, it was instantly honored at the Treasury Department, and on that holiday morning Robeson received his \$93,000, a New Year's gift which any forger, housebreaker, or highwayman might contemplate with envy. To whom was this New Year's gift presented by the successful robber?

To whom did Robeson hand over the money he had thus stolen from the Treasury and from the taxes of the people? Did he put it in his own pocket? Did he go through

the formality of handing it to one of the Secors? Did he give it to some confederate, the inventor of his crime, and the sharer in its fruits? Or was it paid by him to some loose woman, the accomplice and the consoler of his villainy? Or was it vested in railroad stocks, or in city lots, increasing the already large fortune of this mighty thief? These are questions that suggest themselves to every mind, but we shall not now undertake to answer them. The fact of so great a robbery perpetrated by one of Grant's most confidential cabinet ministers is sufficient for to-day. And when we say that this is but a single sample of the enormous transactions of this kind which pervade almost every branch of Grant's administration, the public will understand why the Grant majority in Congress fear to take hold of these things and dare not empower any able and impartial committee to investigate these gigantic robberies.—*The Sun of March 2, 1872.*

The foregoing extracts show the nature of the charges contained in the Sun, which were repeated in the most offensive form in its daily issues from the 17th of February last until the appointment of this committee, and reiterated during its sessions.

The committee, with a view to the prompt investigation of these serious charges against the Secretary of the Navy, at once, as their first step, invited Charles A. Dana, the editor of the Sun, to attend their sessions. He appeared with his counsel, and was allowed to conduct the investigation, to summon and examine witnesses, to call for papers and documents, and to have the widest range of inquiry into all matters connected with the Navy Department, until he seized upon the temporary absence of the chairman of the committee as an excuse to withdraw from the case and abandon the investigation. This, however, he was not permitted to do until, on the demand of the officer accused, he had been required to be sworn and examined before the committee as to his knowledge of the facts charged and the sources of his information.

The committee do not deem it necessary to incumber this report with any detailed reference to the testimony in relation to these assaults on the personal character of the Secretary of the Navy and on the integrity of his administration. It is enough to say that, although the officer charged declined to avail himself of the privilege of appearing by counsel, while the accuser, with his counsel, was allowed the utmost freedom as to the extent of his investigation, yet he totally failed to produce a single witness, or any proof whatever, tending in the slightest degree to maintain the charges he had made, or affect in any manner the personal or official character of the Secretary.

It would be superfluous for the committee to attempt to state the results of the testimony as to these various charges, or to show in detail the manner in which each and all of them have been conclusively refuted. Not a single witness even pretended to establish one of them. Not a particle of testimony out of all the mass appended to this report has any tendency whatever to show any fraudulent act or design on the part of the Secretary. If it were desirable to refer to the testimony at all upon this subject in detail, it would not be for any purposes of refutation, but only to exhibit the malignant and wanton character of the libels which gave rise to this investigation.

But the committee content themselves with saying, without more general reference to the proofs, that it appears, not only from the most searching examination that they have been able to make, but from the testimony of the accuser himself, that all of the charges published in the New York Sun—and none published in any other newspaper have been brought to the notice of this committee—"calculated to affect injuriously the reputation of the Secretary of the Navy, and to cast doubts upon the integrity of his administration of the Navy Department," are totally devoid of any semblance of truth.

In view of the fact that they were printed in a paper of large circula-

tion, published in the chief city of the country, repeated from day to day in every phase of vituperation, long after the testimony, including that of their author, had shown their falsehood, the committee feel justified in denouncing them in the strongest terms, as the most extraordinary libels ever published in this country against a public officer, and a shameful perversion of the privileges of the press.

Although, in the great latitude allowed to him, the author of these libels abstained from any attempt to prove his charges of corruption, and only tried to maintain certain alleged irregularities in the administration of the Navy Department, the committee have endeavored to dispose, in the first place, of this branch of their duty, and to separate it wholly from the general inquiry into the affairs of the Department. These charges of personal guilt against a cabinet officer were of the first importance. They were obviously the ground for this investigation. If they had not been made, it is evident that the House of Representatives would not have deemed it proper to institute a broad investigation into the general management of one of the Executive Departments. Such examination was manifestly authorized as auxiliary to the inquiry into the graver accusations. If those accusations had been in any great degree sustained, it would have imposed a serious constitutional duty upon the House of Representatives. Since they have been totally disproved, the remaining duty of the committee, although so broadly defined by the terms of the resolution, becomes of secondary importance.

It may also be remarked that when the personal integrity of the Secretary has been fully established, and all suggestion of improper or corrupt motives in his official action has been removed from consideration, a general inquiry and report upon his official conduct must be, in effect, a trial and judgment as to the manner in which he has exercised the discretion reposed in him by law as an executive officer. Such an inquiry might readily be extended to a point beyond the proper scope of the powers of a legislative body.

The extent of this discretion, the power it involves, and its necessity and legal consequences, were recognized by the United States Supreme Court, January term, 1833, in *Macdaniels* and *Fittlebrown's* cases, cases of "allowances" for the disbursement of money, made by authority of the Secretary of the Navy, decided by a unanimous court, composed of Chief Justice Marshall and Justices Story, Johnson, McLean, Thompson, and Baldwin. The court, in the *Macdaniel* case, said:

A practical knowledge of the action of any one of the great Departments of the Government must convince every person that the head of a Department, in the distribution of its duties and responsibilities, is often compelled to exercise his discretion. He is limited in the exercise of his power by law; but it does not follow that he must show a statutory provision for everything he does. No government could be administered on such principles. To attempt to regulate by law the minute movements of every part of the complicated machinery of government, would evince a most unpardonable ignorance of the subject. While the great outlines of its movements may be marked out, and limitations imposed on the exercise of its powers, there are numberless things which must be done that can neither be anticipated nor defined, and which are essential to the proper action of the Government. Hence, of necessity, usages have been established in every Department of the Government, which have become a kind of common law, and regulate the rights and duties of those who act within their respective limits.

Nevertheless, the committee have fully investigated all matters brought forward by the editor of the *Sun*, and all such matters as were in any way suggested in the course of their inquiries. In this examination the Secretary has afforded them every facility, by the production of accounts, reports, vouchers, and exhibits, and by his explanations given under oath.

After this full investigation, the committee are prepared to report that they do not find in the testimony taken and herewith submitted any errors or irregularities of administration which would justify any action by the House of Representatives, or tend to throw any discredit upon his administration. A few matters only, arising out of this extended examination, require notice in detail. It would extend this report to unreasonable length to notice all matters of criticism of acts of bureau officers, following in their business the routine established under former administrations, and decisions upon statutes made by former Secretaries, and in no instance, as developed by the testimony, acting corruptly.

ENGINES FOR THE TENNESSEE.—One matter fully investigated by the committee was the contract for the machinery of the Tennessee. A large and interesting portion of the testimony taken relates to this subject. In the opinion of the committee its result is not only to exonerate the Secretary from all suspicion of any improper motive in his official action in the premises, but to show a laudable and well-directed effort on his part to take a valuable ship, rendered useless through defective machinery, and convert her, with the least possible expense and with the best possible assurance of success, into a first-class and efficient vessel of war. The circumstance under which this contract was made, the motives which led to it, and the results to be expected from it, cannot be more clearly and succinctly given than in the words of Mr. Roach, the contractor, in his testimony before the committee:

Q. Have you taken the contract for the building of the engines of the Tennessee?—

A. Yes, sir.

Q. Suppose you state the circumstances of that contract, and of your taking it, in your own way.—A. I have given the merchant marine business of this country more consideration, probably, for a number of years than any other man in the country. I have investigated it myself abroad, and caused it to be thoroughly investigated by persons sent there. I have given it a great deal of attention. I have watched every movement that has been made, and every step of progress that has been taken in the merchant marine of both England and France, and in the navies of both these countries for the past few years. Knowing the depressed condition of our shipping interest in this country, I knew that there would be an opportunity for the man that was best posted and had the most information with regard to all those vast improvements that had been made in those countries where that business has been very prosperous for the last few years. After watching the progress of what is called the compound engine, and all the experiments that were made in connection with it, and following it down to the point where it became a demonstrated fact that it was going to be the marine engine to be used in the navies and the merchant marine of the world, I then took hold of it. I made up my mind to use every influence that I possibly could to introduce it into the service of this country. I had built several large marine engines for the Government, and I knew those that were perfect and those that were imperfect, and I had a thorough knowledge of all the ships that could be made available by changes being made in them, and also of all those that were not worth changing.

After settling it in my mind that this engine was going to be introduced, I was here in Washington, and I called upon the Secretary of the Navy personally, and stated my views to him, and named a number of ships that were lying useless, rotting at the Government docks, and remarked that I had seen nobody for years that had suggested a single idea with regard to utilizing them. I named a number of those ships to the Secretary, stating that I had a knowledge of the vast amount of repairing that was done upon them, and of how short a time after those repairs were made they were of any use; and then I said that I was satisfied that I could make such changes in some of this machinery as would give satisfaction to the Department. The Secretary gave me some encouragement by saying that he was glad to have come across a practical man who could enable him to utilize some of this Government property; but he distinctly stated that he would not spend a dollar on one of those vessels unless a proper guarantee should be given that the results I spoke of could be produced. I then wrote the Secretary a letter, naming a number of those ships that could be changed, not giving him the details of my plans, but simply giving him the results.

Before I wrote that letter, I asked permission to go to the Department and get the

logs of those vessels, so as to get at the results produced by those different steamers—their consumption of fuel, their speed, and their usefulness. I then wrote this letter to the Secretary, comparing those results with the results that I would produce by the proposed change, and offering to give him bonds for the production of those results. After he had received this letter I called upon him again, and he selected out of those ships the Tennessee to be operated upon, but he stated again that he would not spend any money on the ships without I gave a guarantee. I went, then, to the naval constructing department and got a section of the ship and made some calculations, and made a proposition to the Secretary that I would put engines in the Tennessee which would produce such results as I stated (and I will give you a copy of the statement) for the sum of \$300,000 and the old machinery; giving the Government the right to reserve the old machinery at a specified price. I left that proposition with the Secretary for months; and on a future occasion, when I came to Washington again, I called on him again, and I explained to him again that there was a ship, the Tennessee, which, I understood, had been pronounced one of the finest ships in the service, a ship built of live-oak, and, said I, “Mr. Secretary, that is a ship that has lain for years condemned, although she could not be replaced to-day, without the machinery, short of \$1,000,000.” “That ship,” said I, “is useless now; but I will make her one of the finest cruisers in the service upon the expenditure of \$300,000.”

After that conversation I left; but again, when I came to Washington, I had further talk with the Secretary, and he referred me to the Chief of Bureau. I called on the Chief of Bureau, and I showed him the letter and the proposition that I had made. He stated that he had the matter before him, and had examined the power that I proposed to put in the ship, and he agreed, I believe, that the power was going to produce the result. I learned then that he had received instructions from the Secretary to make a contract with me to perform the work. I will say here that with me it was not so much a matter of the money that was in the contract—the \$300,000, or what I could make on it. The point was that I was going to place myself in a position which I was satisfied would enable me to revolutionize the steam-navy of the United States. That was the point at issue with me. When the contract was drawn up, and I looked into the particulars of it, I learned that a large portion of the machinery proper of the Tennessee, which I contemplated receiving, had been taken out of the ship two years previous; that is, one-half of all the boilers had been taken out, and the steam-pipe connected with that portion of the boiler. I objected to that, but the Chief of Bureau, Mr. Shock, insisted upon the conditions. I then stated that I would apply to the Secretary for a decision on the question. But, before the thing went much further, in looking over the contract, I found that Mr. Shock had drawn it so as to call for brass tubes in the main boilers of the new engine that was going to be constructed. That condition added at least \$10,000 expense in the construction of the engines. The language of my letter to the Secretary was that the engines should be constructed out of the best material, and the best workmanship performed on them. Iron tubes were the best material known to the merchant marine, and that was what I meant; but the Navy Department construed it differently for a reason of their own; for instance, if a ship was on a foreign station, these iron tubes would be apt to give out, or might give out, but brass tubes would last much longer. Mr. Shock took that view, and decided that it was necessary that those conditions should be in the contract.

I went and spoke to the Secretary about it, but he said that he had nothing to do with that; that those mechanical conditions belonged to the Chief of the Bureau. As near as I could calculate, there was a profit of 10 or 12 per cent. to be made in the construction of the engine under the first proposition that I made, but this condition as to the brass tubes reduced it down to less than 5 per cent.

Q. Mr. Shock insisted upon having the brass tubes?—A. Yes, sir.

Q. Go on.—A. Well, I have constructed engines for the Government developing the same power that was proposed in that case, and I have them in some Government ships now, and an engine to develop the same power cost \$760,000, \$700,000 being the contract price, and the boilers being enlarged at a cost of \$60,000 more, making an aggregate of \$760,000. Now, I do not think there is a responsible man in the United States to-day that will come here and swear that he will develop the power that is necessary to propel a 4,000-ton ship at the speed that I propose to propel her. I do not believe there is a man in the country who will give the guarantees that I have given to produce that result. And now it appears that while I was doing something that I supposed was going to give me greater credit than anything else—something that I was going to be prouder of than of any other act of my life—I am arraigned with the Secretary as a robber!

I never was connected with a transaction in my life that I felt greater pride in than that—to be the first man who suggested the taking of millions of dollars' worth of property that was lying useless in the docks and converting it to some practical use and value to the Government. That was my ambition, and yet I am here arraigned with the Secretary as associated with him in plundering the Government.

Q. Are there any other private workshops in the country that can do that work altogether?—A. No, sir; I have the only works in the United States that can take those engines and give such a guarantee as I have given to manufacture all the parts of them—every part connected with the finishing of the ship—and complete the whole thing. Mine are the only works left in the United States that can do that.

Q. You mean to say that yours are the only works left in this country that can manufacture such an engine in all its parts?—A. Yes, sir.

Q. If anybody else took that contract, he would have to go to you for some of the work?—A. Yes, sir. There was a person quoted here as undertaking to build those engines—I mean Mr. Murphy. Now, sir, he could no more build those engines with the facilities he has got—he could not begin to do it; he would have to get me to do three-fourths of that work, and if he made the remark that has been attributed to him, I do not think he ever saw the plans, and I do not think he knows anything at all about them, for they are plans that are not to be found every day. They are not in the possession of anybody but myself. They are not even in the possession of the Department; nor do I intend that they shall be until the term of my contract expires.

Q. Did you take any special pains to look up this subject of compound engines?—A. Yes, sir; I have been investigating the subject carefully for two years. I have in my employ a man who was a graduate with the founder of that engine on the other side, Mr. Elder, and I have been every day in communication with him; and I have even taken the responsibility of making propositions to some of our merchants similar to those that I have made to you. So little was this subject understood in this country a while ago, that the Pacific Mail Company of New York contracted for the building of three engines of this type abroad. I say of this type, though not just the same. There are double engines in the Tennessee; but the separate engine that I am now constructing for the Pacific Mail Company is almost similar to one of those engines in the Tennessee. They could not get a register for their ships here, and they sent abroad and made contracts with Mr. Elder for three 2,500-ton ships; and they made contracts for building the hulls of the vessels here. When I found that out, I went to the company and made a proposition that I would build a ship for them, and put the same class of engines in it, and build it for the same price it is built for at the other side of the water, provided they would pay the duty and transportation of the engine. And I proposed to give them a bond that, unless I produced equal results with those produced by the engines built on the Clyde, I would take the engine out of the ship and pay them the money back. That was my proposition to the Pacific Mail Company, and that is my contract with them. There is not a dollar in it for me; and I did it simply as a matter of pride, because I thought that this country ought not to be in such a condition that men who wanted an engine of this kind had to go out of the country, for want of mechanical ingenuity in this country to construct it. That was the principle at issue, and that was the view I took. I received \$150,000 for this one engine, without the brass propeller or the brass tubes, or any of the duplicate pieces that I give to the Government.

Q. Which is the better contract?—A. The contract I made with the Government is far better and cheaper than the one I made with the Pacific Mail Company.

Q. Cheaper for the Government?—A. Yes, sir; because, as I said before, my price for the Government job has been reduced by the addition of those brass tubes and the deficiency of the old machinery—the portions that were taken away.

Q. Have you been to any considerable expense in getting your information about these compound engines?—A. Yes, sir, considerable. Two years ago I sent a man abroad expressly for that purpose, and Mr. Steers, my associate, went abroad about three months ago, and has only just returned. Besides, almost every competent person that I have found going from this country over there, I have made arrangement with, and have helped to pay portions of their expenses for the sake of getting such information as they could procure; and I have also applied to the best engineers coming here in English ships, and I have got detailed drawings made of all their productions. If I had not got all that information, I would not place myself in the position that I have placed myself with the Government—giving them bonds to put machinery, that has been heretofore untried in this country, into a ship, and leaving myself liable for \$300,000, when the margin of profit on it is not ten. And that is just the condition I am in.

Q. Have you spent any money to get ready to do this thing besides what you have spent in getting this information—anything for tools or machinery?—A. No, sir; our tools are all ample, but our patterns are all new. We have to make all the new patterns and drawings and models.

Q. Are they expensive?—A. Quite so.

Q. In addition to your \$300,000 you get the old machinery of the Tennessee?—A. I get \$300,000 and the old machinery of the Tennessee; that is, such portions of it as remained in the ship.

Q. What is that old machinery worth?—A. I have offered it in the market for

\$35,000. The largest price that I have been offered for it yet has been \$30,000, and I should have sold it for \$30,000 but for the advance that has taken place in the price of old material within the last three or four weeks. That is the only reason that I did not accept \$30,000 for it. I have offered it for \$35,000 ever since it has been in my possession.

Q. Are you willing to sell it for \$35,000?—A. Yes, sir; I am willing to sell it for \$35,000 now, and if I gain \$5,000 by the advance in the old material of the Tennessee, I shall lose \$20,000 by the advance in the price of the material in the new engine.

The Secretary of the Navy also testified in reference to this matter, and we give his evidence upon it:

By Mr. SARGENT:

Q. Can you state the circumstances under which that contract was made?—A. Yes, sir. It is very well known that we have quite a good many ships that are inefficient, not because the hulls and ships are not good, but because the machinery that is in them is worth nothing for the purpose for which it is intended; among them is the Tennessee, which is a live-oak vessel, built by one of the most experienced and best constructors of the Navy, Mr. Delano, of New York; a fine model and a fine ship, but it has never been good for anything in consequence of her defective machinery; and not only in consequence of her defective machinery, but of her defective boilers, which were so badly constructed that before she had finished her trial-trip they had to be repaired. They had to be repaired before she could be sent on her trip to San Domingo, which was the only trip she ever made. It became very apparent to me that while we had no means—while Congress, in its wisdom, did not give us money to build new ships, and while the white-oak ships of the Navy (the old ships) were wearing out—we must utilize some good ships in some way, or the Navy would fade away. I think I have talked with Mr. Archer, of this committee, upon the subject; I certainly have with many of the members of the Naval Committee. I therefore made up my mind that the principal thing to do, since I had no money and no authority to build new ships, was to endeavor to utilize those good ships we had by putting proper machinery in them. Just at that time, which was last summer, the question of compound engines attracted my attention. The subject had attracted a good deal of attention abroad, and had been brought to my notice by various people, and principally by the Chief of the Bureau, (King,) who had spoken a good deal about compound engines, and who obtained, at his own request, permission to go abroad for the purpose of investigating that subject. As he progressed abroad, visiting various manufactories in Europe, he wrote often to Mr. Shock, (who testified here,) who had taken his place as Chief of the Bureau. (I state this because it is said somewhere that I sent Mr. King away for the mere purpose of putting Mr. Shock, who was a tool of mine, at the head of the Bureau.) He wrote to Mr. Shock upon this subject; and finally, when I expected him home, he wrote to me that the field was so extended that he desired to be allowed to remain longer abroad. That being the case, I concluded that we would wait no longer for him to come back. We wrote out and asked him to send specifications and plans for compound engines. Just about that time, or a little before, John Roach came to the Department, and said he had been giving a good deal of attention to the subject of compound engines. I believe he said that he had sent a man abroad to study the subject; that he believed that his was the only establishment which had the necessary information and the necessary machinery to build compound engines. He made a proposition to take out the old machinery from several of the ships, mentioning among them the Dictator, the Puritan, the Susquehanna, and the Tennessee, and to put in new. I considered the matter. I did not have money enough to go into such an operation as that, and so I thought I would try the experiment with one ship. I asked him to name his price, and the conditions on which he would take out the old machinery and put in compound engines into the Tennessee. He made a proposition in writing. The letter is in evidence before the committee, I believe. After receiving that proposition, I sent to the Bureau of Steam Engineering, and asked them to estimate what it would cost for the Navy Department, if they did the work themselves, to do what Mr. Roach proposed to do in his letter on the Tennessee. I also asked for an estimate as to the value of the old machinery in the Tennessee, as Mr. Roach had offered to put in new compound engines to accomplish certain results, and to guarantee them for, I believe, \$300,000—perhaps his first offer was a little more—and the old machinery. I made this direction so that I could know whether it would be cheaper to do the work ourselves or to let him do it. The Bureau estimated that it would cost from \$375,000 to \$400,000 for the Navy Department to make these engines and put them in. They also estimated that the old boilers and machinery in the Tennessee were worth not more than \$65,000; and that, Mr. Roach contended, was a very high estimate for the old machinery.

By Mr. PETERS:

Q. That was worth \$65,000 out of the ship?—A. Yes; worth \$65,000 out of the ship. Mr. Roach said that was a very high estimate for the old machinery; but even at that estimate it was cheaper than the lowest figure that the Chief of the Bureau had estimated that the Government could do it for, and as I really believed myself, from my experience, that it would cost more, inasmuch as we were not building any engines, and had not been for some time in any of the navy-yards, than even his estimate. We began to understand by that time, and it was understood by Mr. Roach, that it was the feeling of the country, which had been expressed in the papers and in Congress, that the Government should, so far as it could be done to its advantage, help to maintain the great ship-building establishments of the country, and keep them from going out of existence. This had its effect upon my own mind; and knowing that Mr. Roach had the only ship-yard in the country that could do this work, I agreed that, if he would guarantee the vessels, I would give him the contract to do this work.

I was influenced in making this bargain, as I have said, first by the desire to try the experiment, which was being tried very extensively and very successfully abroad, of seeing if we could not get engines and machinery in a ship (one of our good ships) that would give her great speed and at the same time would enable her to carry coal enough to cruise, and to give her convenience and room for her officers, her mess, her ordnance, her ammunition, and her supplies. That was an experiment which the Navy Department felt bound to make, if it was going to keep up at all with the progress of the world on the subject of steam-machinery for war vessels. * * *

The committee believe that any one reading the foregoing testimony, which is fully sustained by that of other respectable witnesses, will concur in the conclusions from it already stated by the committee.

The CHAIRMAN. It has been proved here that the engines of the Wampanoag were built at the Government navy-yard.

The WITNESS. The difficulty with the Wampanoag was just the difficulty which we sought to avoid by these compound engines. It is a fast ship, at least she proved so on her trial trip, where she had twenty-three engineers and one hundred and eighty firemen and coal-heavers to run her, and she has never been run since.

By Mr. SARGENT:

Q. How much coal did she consume on her trial trip?—A. She consumed, at sixteen and three-quarter knots an hour, so much coal that five days' run was her limit.

Mr. ARCHER. She had seven hundred and fifty tons on board.

The WITNESS. That is no limit for a cruising vessel. That amounts to two days out and two days back, for coal, and another day for accident and cruising. The point that we wanted to get at was to get motive-power, and at the same time to get room for men, ammunition, and batteries. The Wampanoag is a fast vessel; but she is full of machinery and good for nothing except to make a trial trip. Although she went into commission September, 1868, she has never been in commission since. Her machinery lies rusting and deteriorating at the wharf; and she is rotting out herself, simply because we have not the machinery for her that we would have for the Tennessee.

By Mr. SARGENT:

Q. Would you employ her if she had the proper machinery?—A. Of course we would employ her. It is not only under this administration that she has not been used; she lay idle a year and a half during the late administration, which built her. Something has been said about the value of these old boilers of the Tennessee to be used in other ships. They could not be used with compound engines; that has been proven and is a fact. They have not the strength and are not the proper shape. We have in our navy-yards now, unused and stored, fifty new boilers of just that construction, which are occupying room now in our navy-yards and putting us to expense in keeping them in repair, and are deteriorating every hour. But they have never been used, and never will be used, in my opinion. We have also in our navy-yards expensive engines that were built by Mr. Isherwood, costing millions, and with no ships to put them in. Go to the Washington navy-yard and you will see an engine there which would not go in three times the size of this room, which was built at a large expense, and which there was no ship to put it in. If we should take that engine and attempt to put it in the Tennessee, and put the boilers in that are necessary to run her, leaving the four boilers now in, it would cost us considerably more than John Roach's contract.

By Mr. ARCHER:

Q. Were not the contracts for the vessels that this machinery was to go into abrogated in consequence of the termination of the war?—A. I do not know about that; I only know that we must either pursue the old plan or try a new one. The old plan has been a failure, and we tried a new experiment.

The committee believe that any one reading the foregoing testimony, which is fully sustained by that of other reputable witnesses, will concur in the conclusions from it already stated by the committee.

A question was raised before the committee as to the necessity under the law of advertising for the machinery of the Tennessee, and it was shown that the contemporary construction of the law of 1861 was that it did not apply to machinery. On this point, in addition to other witnesses, the Secretary testified, and we give his testimony as the only exposition of the matter which is necessary :

By Mr. SARGENT :

Q. Was that contract advertised ?—A. It was not.

Q. What explanation have you to give in reference to that ?—A. There is no requirement of law that renders advertisement for contracts for machinery necessary. It never has been the practice of the Department, and there is no requirement anywhere for it. It would not do to do it, because I have to put that ship in Mr. Roach's hands. I must choose my own men if I am going to do it to advantage ; and when the thing is done, what I want is not the money on the contractor's bond for a failure, but the result. Neither Congress nor the country would hold it any excuse for me if I said that I had tried to do this thing, and had got the money because the contractor failed. What they would need was the ship and the results, and therefore I must choose my men who can do it.

Mr. Roach was the only man, and is the only man in the country to-day, who has the facilities to do this work in his own establishment ; and anybody else who would take the contract would have to go to Mr. Roach to do a portion of the work.

By Mr. ARCHER :

Q. Do you construe the act of 1861, which requires all the Departments of the Government to advertise for materials, as not applicable to engines ?—A. I construe it as not applicable to machinery ; and that has always been the construction of the Department. The construction of, not doubtful questions of law, but even of questionable questions of law, are often determined by the contemporaneous construction and usages of the Department. I hold in my hand the orders for \$1,500,000 worth of machinery since the year 1867, and before the coming in of the present administration. Here are the orders issued by the Bureau of Steam Engineering alone, by the then chief, Mr. Isherwood, for machinery, without advertisement, and most of them directing purchase from persons named. This is not for engines altogether, but for machinery and large machine-tools and things of that kind.

Q. Then your Department construes the act of 1861 as not applying to machinery ?

Mr. PETERS. To machinery to be manufactured ?

The WITNESS. The Department has never construed it to apply to machinery or to machinery to be manufactured. Supplies are a definite thing, but materials may mean wood and iron, and those things that are to be made into machinery.

Q. (By Mr. ARCHER.) How did the act of 1861 change the usage which then existed in the Navy Department ?—A. I do not know. I only speak of it as I found it myself. I take it for granted, however, that it is a common principle that a general act does not repeal particular exceptions on the same subject. I understand that to be the law of all construction. However, that has nothing to do with this matter, as there was no exception on this matter. That has always been the construction of the Navy Department since I have known anything about it. I have the memorandum of these things here.

Mr. SARGENT. Is that the memorandum that you showed to Mr. Isherwood the other day ?

The WITNESS. Yes, sir ; here it is, and here are the bills made up from these memoranda.

[Witness presented and put in evidence the table, as follows:]

Amounts of orders for machine-tools for Bureau of Steam Engineering, to be delivered at the various navy-yards. Given without advertisement.

Of whom ordered.	When ordered.	Amounts.
John Roach & Son	From July, 1867, to March, 1869.....	\$920, 991 66
Providence Steam-Engine Company.....	From April, 1868, to March, 1869	204, 265 00
Bement & Dougherty	From June, 1867, to February, 1869	91, 697 25
Lowell Machine Company.....	From April, 1867, to March, 1869	75, 242 29
G. & C. Place	From April, 1866, to January, 1869.....	58, 018 10
Richard Dudgeon	From January, 1867, to November, 1868.....	38, 558 00

Amounts of orders for machine-tools for Bureau of Steam Engineering, &c.—Continued.

Of whom ordered.	When ordered.	Amounts.
Hazlehurst & Co.....	From September, 1867, to September, 1868.....	\$35,400 00
William Sellers & Co.....	From July, 1867, to January, 1868.....	28,426 16
Nashua Iron Co.....	From December, 1867, to June, 1868.....	11,034 29
S. R. Hanscom.....	January, 1868.....	8,000 00
Reany Son & Archbold.....	November, 1867.....	9,300 00
American Standard Nut Company.....	December, 1868.....	6,400 00
L. B. Flanders & Co.....	November, 1867, and July, 1868.....	5,557 50
Roff & Huntington.....	June and August, 1868.....	5,170 00
Lazelle, Perkins & Co.....	July, 1867.....	4,250 00
Bisbee, Endicott & Co.....	November, 1868.....	4,090 00
Donald McKay.....	July, 1867.....	3,700 00
B. F. Sturtevant.....	From January to September, 1867.....	3,140 00
Waltons & Leonard.....	July, 1868.....	3,066 00
James Murphy & Co.....	November, 1867.....	2,970 00
American Tool and Machine Company.....	From November, 1867, to June, 1868.....	2,893 00
Senibroke Forge Company.....	September, 1867.....	2,700 00
J. J. Walworth & Co.....	From May to December, 1867.....	2,335 00
Atlantic Works.....	November, 1866.....	2,000 00
Fitchburgh Machine Company.....	August and November, 1867.....	1,765 00
Novelty Iron Works.....	November, 1866.....	1,659 00
Charles Merrill & Son.....	July, 1867.....	1,500 00
Ward & Stanton.....	August, 1868.....	1,500 00
Washington Iron Works.....	November, 1867.....	1,200 00
Morse Twist, Drill, and Machine Company.....	From November, 1867, to September, 1868.....	1,056 25
J. L. Knowlton.....	November, 1867.....	975 00
Woodruff & Beach.....	June, 1868.....	975 00
Browne & Sharpe.....	June, 1867.....	900 00
George L. Abbott.....	March, 1868.....	825 00
Smith & Sayre Manufacturing Company.....	December, 1867.....	750 00
Taylor, Martin & Co.....	June, 1868.....	718 00
Chritchley & Robinson.....	November, 1867.....	600 00
A. J. Wilkinson & Co.....	August, 1867.....	572 81
Foster & Sower.....	April, 1867.....	519 00
N. G. Naylor & Co.....	February, 1868.....	379 65
B. D. Whitney.....	December, 1867.....	350 00
S. A. Woods & Co.....	August, 1867.....	240 00
C. F. Hall & Son.....	May and December, 1868.....	200 00
F. Gleason.....	December, 1867.....	170 00
Joel Whitney.....	October, 1867.....	100 00
Total.....		1,546,068 96

Q. (By Mr. ARCHER.) Did the act of 1861 change the usages of the Navy Department in any respect with reference to advertising?—A. That I cannot say, because I do not know what was done in 1861. I do know this, that the original law, passed in 1848, I think, made with reference to the purchasing of supplies and materials for the Navy, was a general law. After that various special exceptions were made, of ordnance, flour, hemp, butter and cheese, and fuel, I believe, (although we do usually advertise for fuel.) Then the act of 1861 was passed, which applies to all the Departments, not to the Navy Department alone.

[Witness quoted from the law of 1861, and proceeded:] That law includes the Navy, of course. Now, I undertake to say that it is a principle of law that when there are special exceptions, those special exceptions are not repealed by a general act without negative words.

Mr. ARCHER. There we will differ.

The WITNESS. I shall refer you to authorities on this subject. I have written out the principles here from Dwaris on Statutes, page 532:

"It is a general rule of legal construction that a general statute, without negative words, will not repeal the particular provisions of a former one, unless the two acts are irreconcilably inconsistent. The reason and philosophy of this rule is, that when the mind of the legislator has been turned to the details of a subject, and he has acted upon it, a subsequent statute in general terms, or treating of the subject in a general manner, and not expressly contradicting the original act, shall not be considered as intending to affect the more particular and positive previous provisions, unless it is absolutely necessary to give the latter act such a construction in order that its words shall have any meaning at all."

The WITNESS. I can also refer you to Sedgwick on the same point. There is another principle of law about which there will be no dispute: That when there is any question about the construction of a law, the contemporaneous construction of it by the Department to be affected by it, and its constant practice since, is the safe rule of construction.

Mr. ARCHER. Applicable to war and peace alike?

The WITNESS. Applicable whenever it is to be construed.

Mr. ARCHER. You say that machinery was not an exception under the law prior to that?

The WITNESS. I think not, simply because machinery was not intended in the general statute.

Mr. ARCHER. So that Dwaris on Statutes is not applicable to machinery?

The WITNESS. No; it is rather applicable to hemp than to anything else. As to this question of the Tennessee, it has been suggested here that it would have been better for the Department to have built these engines in the navy-yards. You will easily perceive that the work at the navy-yards would be more expensive than at private yards. I think that thing has been fairly explained, so far as Mr. Roach is concerned. I think he has explained it on principle.

THE SECOR CLAIM.

This relates to an alleged unlawful payment in January, 1870, of a claim of \$93,000 to Secor & Co., and Perrine, Secor & Co., for a balance due them, as contractors with the Navy Department, for the building of certain monitors during the war.

This payment has been the subject of voluminous testimony before the committee, and has also given rise to much discussion in the public prints, before public assemblies, and in both Houses of Congress. The committee therefore deem it proper to give it a full and candid discussion in this report.

Certain facts in regard to these Secor claims were abundantly proved before the committee, and seem to be beyond dispute.

During the war these claimants contracted with the Navy Department for the building of certain monitors, including the Tecumseh, Mahopac, and Manhattan, for the sum of \$460,000 each. These vessels were built and accepted by the Department, and did good service. They were to be of the class of the Passaic, which had been already built and was then in action. The Government was to furnish the plans and specifications within a certain time. These plans were long delayed, and in consequence of the defects observed in practice in the Passaic, very essential changes were ordered by the Department in the progress of the work on these and other vessels. Also a large amount of extra work was ordered and performed during their construction. Notwithstanding these obstructions, the contractors, with praiseworthy zeal, pushed on the work and put the vessels, finished with all the modifications and extras required, into the hands of the Government. The history of the construction of these vessels is clearly given by Chief Engineer Wood, in his testimony, as follows:

Q. On what duty were you during the time that the iron-clads Manhattan, Tecumseh, and Mahopac were constructing?—A. I was in the office of Rear-Admiral Gregory, the general superintendent of those vessels. I was the inspector of the machinery for the Navy at the time of the machinery being constructed by contract, except for some of the iron-clads, and in some cases in connection with them.

Q. Were you a member of what was called the Admiral Gregory board?—A. Yes, sir; I was under him and with him during the whole of that period.

Q. Have you examined the items that were allowed by the Boggs board and paid by me?—A. I have, sir.

Q. Give us, as succinctly as you can, the history of that case.—A. The history of the construction of those vessels is rather a voluminous one, and in order to refresh my memory in reference to the dates and everything connected with it, I have made a few notes, to which, with the permission of the committee, I will refer. At the breaking out of the rebellion I was in the Pacific, and I returned in 1861, and reported to Rear-Admiral Gregory, in New York, early in 1862, and I remained in that position until ordered to the Naval Academy, in 1866. About August 16, 1862, the Navy Department desired proposals for building several batteries for river and harbor defense, as per plans and specifications on file in the Bureau of Construction. The vessels were to be a modification of the Passaic class, previously constructed; the modifica-

tions were embodied in a paper which he submitted. Messrs. Secor & Co. were awarded contracts for three of those vessels, the Tecumseh, the Mahopac, and the Manhattan, about September 1, 1862. The proposals from the Department were solicited about August 14. Secor & Co. agreed to build those vessels in six months, and were to receive \$500 per day for each day they should be completed within that time, and were to forfeit \$500 per day for every day beyond the six months, which was the specified time within which they were to be completed. The sum to be paid Secor & Co. for these three vessels was \$460,000 each. These vessels were commenced, and much of the work sublet by the contractors, they agreeing to pay a heavy bonus to the sub-contractors for its completion at periods within the term of their contracts. This I know, because I am conversant with the facts of the case, and this is simply a record of the facts, which can be established by other documents if necessary.

Q. Go on and give us your own knowledge.—A. It was understood that the plans and specifications for the construction of these vessels were to be immediately furnished by Captain John Ericsson, and the Department referred the contractors to him for directions. They accordingly made application to Captain Ericsson, but he declined, in consequence, I believe, of having no time to attend to that matter. At all events, he declined to furnish the drawings and specifications.

By Mr. ARCHER :

Q. Do you know that of your own knowledge?—A. Yes, sir, I do. Captain Ericsson told me so himself. When I make a statement that is not within my own knowledge I will state my authority for it. In October, 1862, an office was opened in New York, under Rear-Admiral Gregory, where the designs of construction and detail for those vessels were to be made, Chief Engineer Stimers being the inspector of the work, and, under Rear-Admiral Gregory, assuming charge of that part of it. He was the engineer. At that time he was a chief engineer in the Navy. I was in the same office, in charge of another department, at the time. From that office the detailed plans, drawings, and specifications for the construction of those vessels were issued. I am inspecting engineer of the contract work for vessels and machinery other than iron-clads, and, in some cases, these vessels are intrusted to me. The Onondaga and Dunderberg were intrusted to me, and probably some others. The estimates were sent the 3d or 4th of November, 1862, and they were dated the 5th of September, 1862. The first drawings were received by the contractors on the 25th of November, and the specifications about two months afterward. When received by the contractors they were found to embrace a construction very different from what was at first supposed, and on which the contract was made and based. It was found that to construct a vessel upon the design and specifications received, the weight of the materials involved was so great as to be very nearly equal, if not actually to exceed, the weight of the water displaced by them. Verbal orders, I think, were given by the admiral superintending to stop the work until it was decided what changes were necessary in the construction of these vessels. The vessels were at this period, early in November, 1862, in frame, with several strips of plating on. About the last of December, 1862, the contractors received notice of such changes as were determined upon up to that time. These can be defined or ascertained definitely by reference to various letters on file at the Department. The work then went on until June, when still further alterations were made, involving changes and improvements developed as necessary by the experience of vessels of that class under fire.

By Mr. ROBESON :

Q. Vessels of this class were under fire at Charleston, were they not, daily developing certain things which the Department wished to improve, and as they were developed they were sent to be put into these ships?—A. They were.

Q. Were not the Messrs. Secor far ahead of the other people in their work?—A. They were.

Q. In these changes were not they the first to develop these pioneer experiments?—A. They were. From the 1st to the 3d of August General Inspector Steinmetz wrote to the contractors, who were building the iron-clad steamers, that it was impossible to make a complete and general plan, and ready and complete specifications, at one date, which would specify the requirements of subsequent experience; more especially as the fleet already in service was rapidly engaged with the enemy, constantly developing weak points in the vessels under fire. This was more than a year after they had commenced work on these vessels. At this time the Department was very greatly in need of these vessels, and the work was hurried as rapidly as possible, night and day. This information is also embraced in letters on file in the Department, of 1863, and telegrams from the Department as late as July, 1864. Indeed, changes and alterations continued to be made up to the time of the final completion of the vessels. That is a condensed history of what I know of that part of the matter.

Q. Now, I want to come down to the point of the case. Were you a member of the Gregory board?—A. I was.

Q. While the changes and alterations in the building of these vessels went on from time to time, you were called upon to make allowances for them? The responsibility of that was referred to your board?—A. Yes, sir.

Q. What were the determinations as to what was due them for this work?—A. I have a few more notes in reference to these matters if you will allow me to go on. In the first place, these harbor and river monitors that were building were nine in number. The Passaic class consisted of eleven, already in the service, when these nine were under construction. The first board appointed to examine and report upon the bills of the Messrs. Secor for changes, alterations, extra work, modifications under the contract, was ordered to consist of Admiral Gregory, myself, Chief Engineer Sewell, and Chief Engineer Steinmetz. This was organized in October, 1863. Many items in the bills before that board were laid aside; the charges for extra use in materials and labor were not considered; that board did not allow anything of the kind in these bills which they reported upon. They did not feel that as within their province. The several items embraced in the bill of \$93,000 were afterward reconsidered in the settlement with Miles Greenwood, and, perhaps, some other contractors, and to some extent were allowed. Many items in the bills before that board were laid aside. Miles Greenwood had constructed the Tippecanoe, one of the same class of vessels. These bills were examined in the office of Rear-Admiral Gregory. Mr. Williamson and myself worked some five months upon the items, and we excluded these gentlemen from having anything to do with the bills under any circumstances. By direction of Admiral Gregory, I wrote a letter to them, saying that we required them to submit in writing everything they desired to present. But these men were very much pressed for money, as they represented to the admiral, and whenever we came to items for extra charges for rise in materials, or for extra work done, or for changes made—some two, three, or four items—we laid them aside, and gave them approved bills for as much as there could be no question about, delaying the others from time to time until the final settlement; and these bills have been subsequently submitted to the Department.

Q. You laid them aside for the time, they taking what they could get, and allowing the rest to lay over for future payment?—A. Yes, sir; that is what we did. After I had been detached from the office of general inspector, and after the decease of Admiral Gregory, I examined the bills of Miles Greenwood which had been allowed, and checked off the items in the bills that had been settled or adjudicated upon of Secor & Co. for precisely the same work, giving it as my opinion to the Department that Secor & Co., having performed and executed similar work, were equally entitled to payment; and I can now state that the board on which Admiral Boggs, Chief Engineer Loring, and Inspector Easby were appointed confirmed the report I made as to these items. I know that to be the fact, because I have seen the bills with my checks upon them. I will merely state, in the history of this case, that many of the changes ordered in the construction of these vessels were of very great magnitude. In the first place, there was a change ordered involving the raising of the entire vessel 18 inches. The boilers, which were then well up and advanced by the sub-contractors, had to be raised 18 inches. The turret-shafts, also, and everything else was raised to the same extent. The iron plating on the deck was changed three times. It was first intended that these deck-plates should be 2 inches thick, composed of two thicknesses of iron plating 1 inch thick. It was then determined to reduce the thickness to an inch and three-quarters the contractors got that material, and they finally got and used, under the orders of the Department, deck-plating $1\frac{1}{2}$ inches thick; that left an immense amount of iron-plating on their hands, to the extent of about sixty-five or seventy thousand dollars' worth. This was afterward received by the Department and the iron paid for; but having previously been charged for in the bill, the item remains charged up as extra work. This should be stricken out as having nothing to do with the bills. I simply state, in conclusion, that these changes altogether involved nearly two hundred different items. These were contractors who took the lead in executing their works, and the other contractors were benefited, to a certain extent, by the initiating steps which they took toward the final completion.

Q. You are familiar with the construction of these vessels, and saw them day after day, as they were being constructed?—A. I did.

Q. You have examined the items approved by the Boggs board?—A. I have.

Q. Your attention had previously been directed to these items; you had reported favorably upon them?—A. I had. Among the items in the Miles Greenwood bill there were some which did not appear in the Secor bills; they were items for patent fees and things of that kind. But as far as the charges go for work in that ninety-three thousand dollar bill, with that exception, there is nothing contained which was not allowed and approved to the other contractors for the identical work which items were not allowed and paid to the Secors, so far as my knowledge goes.

Q. Were any of these items which were allowed by the Boggs board ever paid to the Secors before?—A. No, sir; they were not in any bills which I ever saw or heard of.

Q. Were they for work which belonged to the contract proper, or was it work extra to the contract?—A. It was work extra to the contract in every respect.

Q. You know that this work was done?—A. I do.

Q. You know that it was not otherwise paid for?—A. I have always understood that it had never been paid; it was never paid by action of these boards, but had been suspended by us from action.

By Mr. SARGENT:

Q. Were they suspended because they were considered unjust, or because it was not within the province of the board to pass upon claims of that character?—A. They were suspended for a great many reasons. There were many difficult points to decide, which we had referred to the Department, and which we were not willing to adjudicate upon until the Department had decided. Then these vessels had already cost so much more than the Department expected, that we determined not to take any step in the matter unless fortified by the action of the Department.

By Mr. ARCHER:

Q. In the board which was composed of Admiral Gregory, yourself, and Messrs. Sewell and Stimers, you laid aside certain items of the Secor accounts; what were those items which you laid aside?—A. I could not tell you exactly unless I could see the bills. The bills will give you that information.

[The Secretary of the Navy produced the Boggs board bills.]

WITNESS. I think they are contained in that Boggs board bill in part; but there were a great many items that were stricken out that do not appear in that bill at all.

Q. That is to say, those that were allowed by the Boggs board did not make anything like what they claimed?—A. No, sir; not within \$200,000, I should say.

Q. You rejected the items that were in this bill?—A. No, sir; we did not; we rejected no items; we laid them aside.

Q. For what reason?—A. Simply for the reason that I told you a little while ago, that in many cases we had no time to consider or calculate them, to ascertain the additional advances in prices or materials, and the increased cost of day's labor, and whether in some cases it should not be referred to the Department for their decision in the matter.

Q. Why did you lay aside a charge for 3,779 armor-bolts and 275 beam-bolts?—A. Simply because Admiral Gregory presumed, perhaps, that the contractors ought to have paid the additional expense themselves for the change rather than have the Government to do it.

Q. And, therefore, you did not agree to allow them?—A. Admiral Gregory laid them aside for the time being. I was not in favor of laying it aside myself.

Q. Fourteen thousand seven hundred and four pounds of deck-bolts?—A. The same reason for that, I presume.

By the ACTING CHAIRMAN:

Q. Was that work that they had done once and completed it?—A. Yes, sir; they made these bolts to put inch plate armor on to the decks, as was required by the general inspector; then when they changed it to a thinner armor, these bolts projected over, and it was necessary to cut off the points.

By Mr. ARCHER:

Q. You were in favor of paying for it?—A. Yes, sir; but I was only one of a board.

Q. How was Mr. Sewell; was he in favor of paying it?—A. I think he was.

Q. How about Mr. Stimers?—A. He was not in favor of it.

Q. How about Admiral Gregory?—A. He was not in favor of it for the time being.

Q. So you stood two and two on this?—A. I think we did; I am not positive about that, though. Mr. Stimers, I might say, seemed to feel that he was responsible to a certain extent for these changes, and felt differently from what I did.

Q. Here is a charge for additional copper pipes, and additional cost of machinery, \$10,400.—A. My recollection of that is, that Mr. Stimers enlarged these copper pipes and made them much thicker, which consequently involved more material, and more labor perhaps.

Q. Did not your board think it was right to pay for that with the other extra work?—A. Certainly; they had paid for similar pipes in another vessel, and of course the contractors did not include that difference in their estimates, and under those circumstances it was allowed.

Q. Mr. Stimers ordered that to be done?—A. Yes, sir. I heard it discussed for weeks and weeks.

Q. And you thought that ought to be paid?—A. By all means; why not?

Q. Why did the board lay it aside?—A. Because it was a matter to be decided in the future. It was a question involving such an immense amount of money, that when we had time, we were persuaded the attention of the Secretary might be called to it, and a higher authority might settle that matter.

Q. What were Mr. Sewell's views about it?—A. They agreed with my own.

Q. You and Mr. Sewell and Mr. Stimers all agreed that it should be paid?—A. No, sir; Mr. Stimers objected.

Q. You just stated that Mr. Stimers ordered it?—A. Yes, sir; he ordered it made, but he did not order it paid.

Q. I understood you to say that Mr. Stimers ordered it made and thought it ought to be paid?—A. No, sir; I said that Mr. Stimers said it should not be paid; if I stated otherwise, I desire to correct my statement.

Q. I see "44 shield-plates for turret and pilot-house, \$2,259." Why was that laid aside?—A. Well, sir, I do not think that the Passaic class of vessels were fitted with these shield-plates. I think it was in consequence of some construction which Rear-Admiral Gregory raised—some point in the contract wherein he considered the contractors should go to a greater extent in carrying out the orders of the general inspector. I think that was the point raised. It is recorded there. There were many items, and I do not remember all of them. It has been a great while ago, and it is only the prominent ones that I remember.

Q. Do you not recollect that one?—A. I do not recollect it particularly.

Q. That was considered by the board and laid aside?—A. It was; all those items there in that bill. I have read that bill, and I recognize all the items that are included in it.

* * * * *

Q. You had examined the papers of the Boggs board?—A. I have read them simply.

Q. Do you think all the items allowed in that are correct?—A. I compared them, and I believe them to be right.

* * * * *

By the SECRETARY OF THE NAVY:

Q. When these charges were laid aside, as you said, because you were very much driven then, in the midst of the war, was there any understanding in the board that they would be afterward taken up for final settlement?—A. It was always understood that they were merely suspended.

By Mr. PETERS:

Q. You took the items about which there could be no question when they were pressing for money?—A. Yes, sir; the contractors said they had to stop their work, and complained very much of the way they were shaved in Wall street in order to get money.

By the SECRETARY OF THE NAVY:

Q. Do you know whether a final adjustment was ever made in the case of the Secors by Admiral Gregory?—A. I do not know. I have always understood they were not. He died very suddenly.

By Mr. PETERS:

Q. Do you know he would have done so if he had not died?—A. Yes, sir; he intended to do it.

It appears that the Secors, having finished their work, made large claims for additional compensation beyond the contract price, and that these claims were of two classes: one for additional cost of construction under their contracts, arising out of the extraordinary rise in the price of labor and materials which took place during the delay of the Government—a claim in the nature of damages; and the other for the actual amount due for work and material ordered, furnished, and accepted, entirely extra from and outside of their contracts, a claim of an ordinary character, and subject to the ordinary action of the Department.

Of these two classes of claims the first, for damages, was never considered or acted upon by the Department, but was disposed of by legislation, as will hereafter appear. The second was not fully acted upon, in the case of the Secors, in consequence of the death of Admiral Gregory in 1867. But precisely similar claims were acted upon in his lifetime in the case of others, as for the building of the Tippecanoe by Miles Greenwood. But, although a large amount of extra work was paid for to the Secors, the items of that class of claims, constituting the payment of \$93,000, were laid aside for future consideration.

There is no proof whatever from any record of the Department that

they were ever acted upon by the Department until they came up for the consideration of the present Secretary. They had been presented to Secretary Borie, who referred them to Admiral Porter; and, on the 6th of August, 1869, the matter was referred to a board, consisting of Admiral Boggs, Chief Engineer Loring, and Naval Constructor Easby, all of whom had had personal knowledge and superintendence of the details of the construction of ships of this class, and some of whom had had such knowledge and supervision of these particular vessels.

These officers examined into the claims, and reported that they were just, and had never been paid, and amounted to \$93,000. On this report the Secretary of the Navy, in the exercise of his discretion, directed their payment; and afterward the Second Comptroller of the Treasury, in the discharge of his duty, scrutinized the claims, examined the laws relating to them, and upon full consideration passed them as correct; and thus the matter was fully adjudicated in the manner provided by law.

It is now contended that, in consequence of certain legislation, these claims, however just, were improperly paid by the Secretary and approved by the Comptroller. To arrive at this conclusion it is necessary to assert that the Secretary and Comptroller both erred in their construction of the effect and operation of the legislation referred to.

If this be admitted, it was plainly but an error of judgment, made by officers required by law to exercise their best discretion in the premises. In considering this error, if it was one, it should be observed that these two officers were the legal judges of this question, the Comptroller being by law the final judge. Prior to March 30, 1868, there was some difference of opinion as to whether the head of a Department could overrule the decision of the proper Comptroller of the Treasury as to the final adjustment of an account relating to his Department. At that time a law was passed to settle that controversy, which provided that the heads of Departments should not be authorized "to change or modify the balances that may be certified to them by the Commissioner of Customs or the Comptroller of the Treasury, but that such balances, when stated by the Auditor and certified by the Comptroller, as provided by that act, (March 3, 1817,) shall be taken and considered as final and conclusive upon the executive branch of the Government, and be subject to revision only by Congress or the proper courts."

The object of this law, as explained by Senator Williams, the present Attorney General, was to settle finally a disputed construction of the act of March 3, 1817, to provide for the prompt settlement of public accounts, by enacting that the finding of the Comptroller of the Treasury, whatever it may be, in any question of public accounts legally within his province, shall be final and conclusive, and not subject to be modified by any executive officer.

Under this law the Second Comptroller carefully examined this payment of the Secor claim, and approved it. His action was beyond the control of the Secretary. If it had been adverse to his previous decision, the Secretary could not have overruled it. It was not adverse; and it seems palpably unjust to arraign the Secretary for an exercise of his judgment which was concurred in and ratified by the law officer of the Treasury, intrusted by law with the final decision of the matter in question. Their action ought not to be impugned, except by a tribunal authorized by law to sit in judgment over both.

Congress has, by law, established various judicial tribunals empowered to adjudicate upon matters arising under the laws of the United States, and the Supreme Court, by the Constitution, has its prescribed jurisdiction to review their judgments in the last resort. If, in any case that

may arise, one of these tribunals should interpret this law in accordance with the view of the Secretary, and the Supreme Court should *reverse* its judgment, it would be an extraordinary proceeding for a committee of Congress to make inquiry into the grounds or motive of its decision for purposes of censure. If its judgment were *affirmed* by the Supreme Court, such proceeding would be still more anomalous. Congress may modify the law, or even abolish the tribunal, but it cannot impugn or annul its decisions arrived at in good faith.

In the opinion of the committee, the principle is the same in the case of the honest exercise of official discretion in any of the Executive Departments. If an executive officer is charged by law with the interpretation and application of statutes in the course of his administration, and performs that duty with his best judgment and in good faith, his conduct is not the proper subject of scrutiny by Congress, except for purposes of remedial legislation, or, in extreme cases, with a view to impeachment for incompetency.

But assuming that such an adjudication, made in the ordinary course of executive business, may properly be reviewed by an investigating committee of the House of Representatives, we have been able to find in it nothing but the fair exercise of official discretion.

The claim was manifestly just, and had never been paid. It was due to citizens who had rendered efficient service in a critical time. To refuse payment would have been grossly inequitable.

But it is earnestly asserted that the payment, however just, was forbidden and barred by positive law. The committee dissent entirely from this view, and hold that the payment was properly and legally made. The two acts of Congress relating to the subject are as follows:

AN ACT for the relief of certain contractors for the construction of vessels of war and steam-machinery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to investigate the claims of all contractors for building vessels of war and steam-machinery for the same under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864, and said investigation to be made upon the following basis: He shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from such additional cost, to be ascertained as aforesaid, there shall be deducted such sum as may have been paid each contractor for any reason heretofore over and above the contract price; and shall report to Congress a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price: *Provided*, That the Secretary of the Navy, under the resolution, shall investigate the claim of W. H. Webb, for constructing the steamer Dunderberg, applying the provisions of this resolution in such investigation, except that proper consideration shall be given to the increased cost incurred by said Webb by reason of any alteration in the plans and specifications for the Dunderberg made during the progress of the work, whether such alterations were provided for in the original contract or not, when payment for the same was not embraced in the contract price.

Approved March 2, 1867.

AN ACT for the relief of certain Government contractors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Secor & Co., and Perrine, Secor, & Co., the sum of \$115,539 01;

they were ever acted upon by the Department until they came up for the consideration of the present Secretary. They had been presented to Secretary Borie, who referred them to Admiral Porter; and, on the 6th of August, 1869, the matter was referred to a board, consisting of Admiral Boggs, Chief Engineer Loring, and Naval Constructor Easby, all of whom had had personal knowledge and superintendence of the details of the construction of ships of this class, and some of whom had had such knowledge and supervision of these particular vessels.

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If this be admitted, it was plainly but an error of judgment, made by officers required by law to exercise their best discretion in the premises. In considering this error, if it was one, it should be observed that these two officers were the legal judges of this question, the Comptroller being by law the final judge. Prior to March 30, 1868, there was some difference of opinion as to whether the head of a Department could overrule the decision of the proper Comptroller of the Treasury as to the final adjustment of an account relating to his Department. At that time a law was passed to settle that controversy, which provided that the heads of Departments should not be authorized "to change or modify the balances that may be certified to them by the Commissioner of Customs or the Comptroller of the Treasury, but that such balances, when stated by the Auditor and certified by the Comptroller, as provided by that act, (March 3, 1817,) shall be taken and considered as final and conclusive upon the executive branch of the Government, and be subject to revision only by Congress or the proper courts."

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may arise, one of these tribunals should interpret this law in accordance with the view of the Secretary, and the Supreme Court should *reverse* its judgment, it would be an extraordinary proceeding for a committee of Congress to make inquiry into the grounds or motive of its decision for purposes of censure. If its judgment were *affirmed* by the Supreme Court, such proceeding would be still more anomalous. Congress may modify the law, or even abolish the tribunal, but it cannot impugn or annul its decisions arrived at in good faith.

In the opinion of the committee, the principle is the same in the case of the honest exercise of official discretion in any of the Executive Departments. If an executive officer is charged by law with the interpretation and application of statutes in the course of his administration, and performs that duty with his best judgment and in good faith, his conduct is not the proper subject of scrutiny by Congress, except for purposes of remedial legislation, or, in extreme cases, with a view to impeachment for incompetency.

But assuming that such an adjudication, made in the ordinary course of executive business, may properly be reviewed by an investigating committee of the House of Representatives, we have been able to find in it nothing but the fair exercise of official discretion.

The claim was manifestly just, and had never been paid. It was due to citizens who had rendered efficient service in a critical time. To refuse payment would have been grossly inequitable.

But it is earnestly asserted that the payment, however just, was forbidden and barred by positive law. The committee dissent entirely from this view, and hold that the payment was properly and legally made. The two acts of Congress relating to the subject are as follows:

AN ACT for the relief of certain contractors for the construction of vessels of war and steam-machinery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to investigate the claims of all contractors for building vessels of war and steam-machinery for the same under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864, and said investigation to be made upon the following basis: He shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from such additional cost, to be ascertained as aforesaid, there shall be deducted such sum as may have been paid each contractor for any reason heretofore over and above the contract price; and shall report to Congress a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price: *Provided,* That the Secretary of the Navy, under the resolution, shall investigate the claim of W. H. Webb, for constructing the steamer Dunderberg, applying the provisions of this resolution in such investigation, except that proper consideration shall be given to the increased cost incurred by said Webb by reason of any alteration in the plans and specifications for the Dunderberg made during the progress of the work, whether such alterations were provided for in the original contract or not, when payment for the same was not embraced in the contract price.

Approved March 2, 1867.

AN ACT for the relief of certain Government contractors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Secor & Co., and Perrine, Secor, & Co., the sum of \$115,539 01;

to Harrison Loring, \$38,513; to the Atlantic Iron Works of Boston, Massachusetts, \$4,852 58; to Aquilla Adams, the sum of \$4,852 58; to M. F. Merritt, the sum of \$4,852 58; to Tomlinson, Hartup & Co., \$15,171; to Harlan & Hollingsworth, the sum of \$38,513; and to Poole & Hunt, the sum of \$3,694 81, being the amount found to be due to each of the parties herein respectively named by the Secretary of the Navy, under an act of Congress entitled "An act for the relief of certain contractor, for the construction of vessels of war and steam-machinery," approved March 2, 1867, which shall be in full discharge of all claims against the United States on account of the vessels upon which the board made the allowance, as per their report, under the act of March 2, 1867.

Approved July 13, 1868.

A former Secretary, under the first of these acts, appointed a board of officers to make the investigation required. They performed their duty and made their report, which was submitted to Congress, and will be found in the papers accompanying this report. Members of the board testify, and their report shows, that they considered only the claims of contractors for increased cost over the contract price caused by the delay and action of the Government, and expressly refused to consider the claims for extra work and materials as beyond their province under the law and as subject to the ordinary action of the Department. They made their report in tabular form, strictly as required by the statute, and therein stated, as to Secor & Co., that their contract price was \$1,380,000; that the whole increased cost of the work over the contract price as claimed was \$1,236,101.22; that the amount of such increased cost caused by the delay and action of the Government, as determined by them to be due, was \$115,539.01; and that the amount already paid, over and above the contract price, was \$521,195.58. Thus, out of about \$700,000 claimed as unpaid of the actual cost of the work, the board allowed only \$115,539, and that exclusively for the increased cost above the contract caused by the delay and action of the Government. In the large balance remaining was this claim of \$93,000 for extra work which the board expressly refused to consider as not within their province.

Upon this report the second act was passed directing the amount reported to be paid, and adding that it should be "in full discharge of all claims against the United States on account of the vessels upon which the board made the allowance, as per their report, under the act of March 2, 1867."

The claimants accepted this payment upon the assurance of Mr. Grimes, the chairman of the Senate Committee on Naval Affairs, that the act of 1868 would not bar their claim for extra work.

The strict legal position taken by those who dispute the propriety of this payment is, that nevertheless that act did bar their claim, and operate as an arbitrary legislative extinction of that claim, no matter how equitable. In a purely legal point of view this would seem to depend on two questions:

First. Did the act of 1867 really intend to exclude from the consideration of the Secretary, or his board of officers, all claims, except those for increased cost over contract price, caused by Government?

Second. Did the act of 1868 mean to provide that the payment should be in full of all claims of whatever kind on account of the vessels, or only of all *the* claims upon which the board made the allowance as per their report, under the act of March 2, 1867, on account of the vessels? That is to say, all claims for increased cost arising from the action of the Government?

If these are questions on which lawyers may differ, they are at least so close that their decision either way, honestly made, should not be the subject of reproach to an officer whose duty it was to decide them.

If the law of 1867 did exclude from the province of the board these claims for extra work, and the board *rightly* refused to consider or make allowance on them, and the act of 1868 meant only to provide that the payment therein authorized should be in full of the claims upon which the board did make allowance, then the decision of the Secretary was clearly legal as well as just.

If the law did not exclude these claims from the board, but the board erroneously thought it did, and in fact refused to make allowance on them, even then the payment was right if the latter act meant the claims upon which allowance was actually made by the board, as per their report, under the former act.

As to the first question stated above it is to be observed that the law of 1867 makes such provisions as to the basis of investigation and the form of report as are inconsistent with the subject of ordinary claims for extra work, which could require no special legislation; and also that the proviso at the end of the act expressly provides that in the case of W. H. Webb, as to the Dunderberg, "consideration might be given to increased cost by reason of any alteration in plan or specifications made during the progress of the work, whether such alterations were provided for in the original contract or not, when payment for the same was not embraced in the contract price." That is to say, that in the case of Webb alone the increased cost for extra work on the Dunderberg, outside of the contract, might be considered.

As to the second question above stated, relating to the act of 1868, the matter seems equally plain. The act was supplementary to the act of 1867, and intended to complete the relief therein designed. The board had reported the several amounts allowed for the specific claims within their cognizance. They had distinctly stated on the face of their report that they had considered the claims of increased cost only as within their province, and had made allowance only on them. This act provided for the payment of these particular amounts, and that such payment should be in full discharge of the claims so reported and allowed under the former act.

It is easy to read the act carelessly, and to stop, as so many who have quoted it have done, with the words "in full discharge of all claims against the United States *on account of the vessels.*" If we stop there it is as easy to assert that the plain words of the statute must prevent the Secretary from paying any possible claim of these parties upon these vessels, although such claim might be for rebuilding and repairs after having been in action.

But there are other words in the act which cannot be overlooked. The bar is simply thus: "in full discharge of all claims against the United States on account of the vessels *upon which the board made the allowance, as per their report*, under the act of March 2, 1867." The board made no report upon the vessels. But they did make their report and allowance upon certain *claims on account of the vessels*, under the act of 1867. Therefore the act provided that the payment of the sum allowed, although much less than was claimed, should be in full discharge of all the claims upon which that allowance was made, as appears by the report. It is as though the act should be read with trifling alteration, in order to make its meaning clear, "in full discharge of all *the* claims against the United States on account of the vessels, upon which the board made the allowance, as per their report under the act of March 2, 1867." The definite article and a comma are all that is required to clear up the obscurity that has caused so much difficulty and misunderstanding.

It is obvious that if it had been the intention of Congress to say that this payment must be accepted in full of all claims of these parties of every kind on account of these vessels, it was very easy to say so in plain terms. In fact, it was only necessary to stop with the words "on account of the vessels;" and the fact that pains was taken to insert the additional clause shows clearly that it was intended to limit the statutory discharge to the precise claims for which the allowance was made and the payment directed.

This is more definitely shown also by the fact that an amendment, providing that the payment should be in "discharge of all claims arising out of the matters in connection with which the services and damages so claimed for arose," was offered and rejected in the Senate.

The committee therefore conclude that, in a mere legal point of view, the decision of the Secretary and the Comptroller as to the construction of this act was correct.

But, looking at the matter in its equitable aspects, it seems plain that since it is proved that this extra work was in fact done on the order of the Government, and accepted by the Department; that the first board distinctly refused to consider it; that the second board examined it and pronounced it just and unpaid; and that no former disposition of it was ever made by the Department, it would be grossly unjust and unworthy of a Government dealing with a citizen, to set up an arbitrary legislative bar against an acknowledged liability, and to extort a relinquishment of one honest debt as a consideration for the payment of another and totally different claim admitted to be due, and established by legal adjudication.

Men are apt to permit their notions of law and equity to become confused as to the dealings of nations. It would be clearer if the same case is stated as between private individuals.

A builder contracts with a vestry to build a church at a contract price of \$50,000. By the fault of the vestry, the plans are delayed, and he suffers obstructions which cost him, as he claims, \$20,000. As the work goes on, the vestry requires him to add a spire to the building, agreeing to pay its fair value beyond the contract price. For this he claims \$5,000. The work being finished and accepted, they disagree as to the payment of the first claim of \$20,000, and agree to refer to arbitration all claims for increased cost caused by fault of the vestry. He produces his whole claim of \$25,000, but the arbitrators refuse to consider the cost of the spire, as beyond the scope of their powers, and they award him \$5,000 for his claim for increased cost, being one-fourth of the amount demanded. This amount is paid by the vestry, and they exact a receipt for that sum, "in full discharge of all claims against the vestry on account of the church upon which the arbitrators made their allowance, as per their award, under the agreement dated March 2, 1867." The builder afterward presents his bill of \$5,000 for the spire, but the vestry produce their receipt, and insist that his claim is cut off. Could such an unconscionable position be justified morally, or maintained in any court? Yet this is precisely the position in which it is insisted that the Secretary of the Navy ought to have placed the Government of the United States in its dealing with a citizen who had rendered it material service in time of war. And this is maintained on a sharp and literal construction of a statutory discharge, which is held to extinguish a just debt by its force as a positive law.

The committee believe that it was the duty of the Secretary to search for such an interpretation of this law, within the fair import of its terms, as would save the Government from the humiliation of such an injustice.

The bill produced before the committee was the original bill, containing all the items of the Secor claim, and the items making up the \$93,000 were in this original bill. As we have said, those items had never been passed upon, but had merely been laid aside by the Gregory board for more time for consideration, until they were examined and allowed by the Boggs board. The account was therefore never closed as to these items, and consequently not re-opened. But it may not be inappropriate to state that if the items had been overlooked in any former settlement in the Department, or unjustly excluded, it was within the province of the Department to order their examination by a board, and if justly due to pay them. By the 4th section of an act approved March 4, 1845, making appropriation for the civil and diplomatic service of the Government, it was provided as follows :

SEC. 4. *And be it further enacted*, That from and after the passage of this act, no accounts which have been adjusted by the accounting officers of the Treasury shall be re-opened without authority of law ; nor shall the accounting officers of the Treasury act upon any account which shall not be presented within six years from the date when the claim first existed, unless the person having the claim was an infant, lunatic, or *feme covert*, and then within six years after the removal of the disability : *Provided*, That this section shall not apply to cases where special acts have passed, or shall pass, for the relief of individuals. (Vol. 5, 764.)

But the following year, by the fifth section of an act making appropriation for the civil and diplomatic service, approved August 10, 1846, this section was expressly repealed.

SEC. 5. *And be it further enacted*, That the fourth section of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th June, 1846, and for other purposes," passed March 3, 1845, be, and the same is hereby, repealed. (Vol. 9, 97.)

Thus the law forbidding the re-opening of accounts was repealed after a trial of one year had shown its inconvenience or impropriety.

The receipt given by the Secors on receiving the money appropriated by Congress, following the award of the Marchand board, was a mere indorsement of the warrant, and its effect as a bar could arise only from its connection with the legislation on the subject which we have discussed. But if the receipt had been in full, unless the debt was actually paid, it would not, between individuals, prevent recovery of a just balance. It will not be contended that the rule is different between individuals and the Government. We cite a few authorities. Judge Metcalf, under the proposition that "general words are restrained by the subject-matter of the contract," cites with approval several authorities, some of which are as follows :

A release of all demands, when a particular demand is acknowledged to have been received, is confined to the demand specified. (1 Powell) Contracts, 391 ; 1 Domat., 88.

If a man should receive ten pounds and give a receipt for it, and doth thereby quit and release the person of all actions, debts, dues, and demands, nothing is released but the ten pounds, because the last words must be limited by foregoing. (2 Rolle ; Ab., 409.)

This is supported by the authority of Lord Mansfield and Lord Ellenborough, (4 Meade and Selwyn, 427,) and by many other English and American authorities. Judge Metcalf adds : "It is now, doubtless, the statute law of England and this country." (Met. Cont., 280 ed. 1868. See, also, Brooks *vs.* White, 2 Met., 285.)

A receipt in full does not discharge a liability for an unpaid balance, unless there be some other consideration. (Woods *vs.* United States, Devlin Ct. C. R. 57 ; Mage *vs.* Miller, 1 Wash., 328 ; Weed *vs.* Snow, 3 McLean, 265 ; Martin *vs.* United States, 5 C. Cl. Rep., 270, 1869.)

Some comment has been made upon the subject of the appropriation out of which this payment was paid. This was a matter for the consideration of the proper officers of the Treasury Department. But it does not appear that any irregularity was committed in this respect.

The statement of the Secretary clearly explains the position of the matter, as follows:

The fact that the payment of this claim was made from the proper appropriation is also clear and easily understood by any one familiar with the nature of the appropriation made for the Bureaus of the Department, and with the course of legislation on this subject. Previous to the act of the 15th of July, 1870, which separated the appropriations, and provided that the money appropriated for each year should be used only for the expenses and liabilities of that particular year, the amount of the appropriation to the credit of each Bureau was made up not only of the money appropriated for the current year, but also of the balances of all former appropriations which remained unexpended.

The yearly appropriations were based on the amount of these balances, the latter being greater or less as the former were larger or smaller, and in some instances no appropriation was made, because the balance to the credit of the Bureau was considered large enough for its liabilities and for the anticipated expenditures.

This sum, made up of current appropriations and balances, was liable for both current expenses and for liabilities; and, before the act of 1870, was and always had been held by the Departments and by the Treasury appropriate both for the current expenditure and for all the liabilities of the several appropriations whose balances went to make it up. Thus, at the time of the payment of the Secor claim out of the fund at the command of the Bureau of Construction and Repair of the Navy Department, that fund was made up not only of the appropriation for the then current year, but also of all the balances remaining of old appropriations, including the appropriation for the building of the very ships thus paid for. This amounted at the date of the payment to more than \$800,000, and was the very fund liable for this claim, and those of like nature, and was, in fact, the same fund from which Mr. Welles had paid like claims to a very large amount, to other contractors, and like claims for work on these very ships, more than five times as large as that paid by the present Secretary.

Gentlemen, I have been in active practice as a lawyer for more than twenty years in a State where the law is strictly construed, and was for three years the official representative of a bar second to none in the country, and I say, as a lawyer, that however personal malignity may misrepresent this case, however demagogues may present the matter for political purposes, I am sure no lawyer who values his reputation as a lawyer, and who is informed of the facts of the case, will say, as a legal question, that this claim was barred by the law of 1868, and was not properly paid.

The committee have concluded that the action of the Secretary in the payment of this claim was not only within his discretion and that of the Comptroller, but was warranted by law.

It may be proper to remark, in connection with the transactions in the case of Secor & Co., and Perrine, Secor & Co., and in fact in regard to any of the matters examined by us, that a simple resolution of inquiry of the House of Representatives to the Secretary of the Navy would have readily disclosed all the facts developed before the committee, as they are all of record in the Department, were freely exhibited to the committee, and the expensive machinery of a congressional committee was unnecessary to produce them.

THE CORLISS CLAIM.

It is, perhaps, sufficient to say that no payment has been made on account of this claim by the present Secretary. Mr. Corliss, by agreement with the administration of a former Secretary, gave up his contract, and delivered the engines which he was building for the Government in an unfinished state, agreeing to receive therefor less than the contract price. A certificate of this state of facts was given to him by the present Secretary, no money to be paid unless appropriation is made by Congress. All the facts in the case are set out in a letter of the present Secretary of the Navy, to be found in Ex. Doc. No. 78, printed in the papers accompanying this report; and nothing inconsistent therewith was developed before the committee.

There were some other subject-matters suggested to and examined by the committee, but they were all within the legitimate discretion of the

Secretary, exercised without impropriety on his part, either in motive or action; and your committee are not able to find any rule, either of law or of right, which forbids one Secretary to do justice to a *bona-fide* public creditor merely because it has been denied or omitted by his predecessor.

In conclusion, the committee remark that the Secretary of the Navy, during the period embraced in our investigations, has disbursed nearly \$60,000,000 in the ordinary administration of his Department; and it is a matter of congratulation to the country that not only is there no stain or suspicion of dishonor left upon this officer, as the result of this investigation, but that the searching scrutiny, invited and facilitated by him, into the various and extended operations of his Department, has discovered as little pretense for attack, or need for defense, or explanation even in matters of discretion and judgment.

Respectfully submitted.

A. A. SARGENT.
JOHN A. PETERS.
J. M. WARREN.

I agree with the majority of committee so far as they exonerate the Secretary of the Navy from all charges of corruption, fraud, and dishonesty. I dissent from their conclusions and interpretations of the laws cited and referred to by them.

I believe that the payment of the Secor claim of \$93,000 was in violation of the law stated at length in the report signed by the chairman of this committee.

I believe that the barter of the engines of the Tennessee was contrary to law, and that the contract for the new engines to be furnished by John Roach was in violation of the law of 1861, requiring all the Departments of the Government to advertise for proposals before making awards; so also was the awarding of the contracts for the iron for the torpedo-vessels; so also was the purchase of \$14,000 worth of hemp.

STEVENSON ARCHER.

The following is a list of the names of the officers and crew of the United States Navy who were killed or died while on duty during the year 1898. The names are arranged in alphabetical order of the surnames.

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INVESTIGATION OF NAVY DEPARTMENT.

MAY 22, 1872.—Ordered to be printed.

Mr. AUSTIN BLAIR, from the select committee to investigate alleged abuses in the Navy Department, submitted the following as the

VIEWS OF THE MINORITY :

The undersigned, chairman of the special committee which was raised by the resolution of March 11 last, to investigate any irregularities charged, and to inquire generally into the administration of the affairs of the Navy Department during the incumbency of the present Secretary and report the same to the House, respectfully submits the following report:

That the committee organized very soon after its appointment, and without much delay proceeded to the performance of the duty assigned it. Mr. Charles A. Dana, editor of the New York Sun newspaper, was notified that the committee was prepared to hear any evidence he might see fit to offer for the purpose of establishing the truth of the various charges made in his newspaper against the Secretary of the Navy; and the Secretary of the Navy was also advised of the desire of the committee to hear him in his defense if he should desire to be heard.

On the 28th day of March Mr. Dana appeared, with Mr. W. R. Bartlett, his counsel, and the Secretary of the Navy also appeared in person, and the taking of testimony was commenced, and the same was pursued as far as seemed profitable and the time at the command of the committee would permit. This testimony has been reported to the House and printed in a volume of four hundred and twenty pages.

A considerable part of the testimony has not much relevancy to the matter in hand, as is usual in such cases, but much of it is material and tends to show both the action of the Department in the particular matters referred to and the general course of proceedings in the administration of its affairs.

The evidence taken bears chiefly upon a few points, viz: The payment of the Secor claims, so called; the contract with John Roach for the repair of the United States war steamer Tennessee; the contract with C. Pennock for iron for the torpedo-boats; the allowance of the "Governor" claim, and the purchase of hemp and other supplies by private contract, without advertisement, according to law, which several matters I proceed to consider in detail.

The Secor claim.

The committee proceeded to consider first the charges against the Secretary of the Navy contained in the New York Sun newspaper. The most important of these was the one contained in the issue of that paper under date of March 2, 1872, which, with great particularity, accused the Secretary with having, on the 1st day of January, 1870, paid Secor

& Co., and Perrine, Secor & Co., the sum of \$93,000 upon certain pretended accounts for extra work upon the war vessels Tecumseh, Mahopac, and Manhattan, which had theretofore been entirely closed and paid in full, in pursuance of the act of Congress approved July 13, 1868; that the Secretary knew of this act of Congress at the time of such payment to the Secors, and that he took the money for this purpose out of the appropriation for the maintenance of the Navy for the current year.

The facts which appear in evidence before the committee are as follows :

In the year 1862, the firms of which the Messrs. Secor were the principal partners, contracted with the Navy Department to build for the Government three war vessels, according to certain plans and specifications, for the contract price of \$1,380,000.

These three vessels, which were severally named Tecumseh, Mahopac, and Manhattan, were completed and delivered to the Navy Department in the early part of the year 1864, or before that time, and the whole contract price, \$1,380,000, was paid by the Department.

During the progress of the work many alterations were made by the Department engineers, which increased the cost of the vessels, and occasioned much extra work. This extra work was also paid for by the Department upon bills certified by a board of naval officers of which Admiral Gregory was in charge, and amounted in all to \$521,195.58.

The Navy Department, therefore, prior to 1865 paid to the contractors for the vessels the full contract price and the whole amount due for extra work ordered by it, as certified by its board, which superintended the construction of the vessels, amounting in all to \$1,901,195.58.

This closed the matter at the Navy Department, where it does not appear again until the present Secretary opened it there *five years later*. The then Secretary, Mr. Welles, testifies that it was closed. Mr. Lenthall, the chief of the Bureau, also testifies that it was closed. The vessels had been delivered and accepted and payment made, and the circumstances indicate a close of the accounts. The testimony of Chief Engineer Wood, page 196, also shows it was closed.

The Messrs. Secor admit the closing of the accounts at the Navy Department by appealing to Congress for relief early in 1865, which was a formal abandonment of any further claims at the Department.

At some time prior to March 9, 1865, the Secors united with some forty-odd other "iron-clad contractors," and appealed to Congress for relief, alleging that they had suffered great losses in the performance of their contracts, "over and above the contract price and allowance for extra work." This appeal for relief, Mr. Welles testifies, was backed by the strongest lobby he has ever seen about Congress. Not one of them complained, so far as the record shows, that the extra work had not been fairly paid for.

On the 9th of March, 1865, the Senate passed the following resolution :

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine *how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work*, and report the same to the Senate at its next session. None but those that have given satisfaction to the Department to be considered.

It is important to notice the terms of this Senate resolution, because it was the foundation of the whole legislation afterward. It does not propose to examine any claims at all, but it undertakes to establish a principle upon which the whole controversy with the iron-clad contract-

ors shall be settled. That principle is simply the "increased cost of the vessels over and above the *contract price and allowance for extra work.*"

It aimed to put all the contractors on a level and make them good for their losses.

The Secretary of the Navy, in compliance with this resolution of the Senate, appointed the board, of which Commodore Thomas O. Selfridge was president. The report of this board was sent to the Senate January 30, 1866, and it contained, among many others, reports in favor of the Secors of \$119,020.57 upon each of the three vessels, Tecumseh, Mahopac, and Manhattan. The report itself shows that it was made in pursuance of the resolution, and was an estimate of the additional cost of the vessels over and above the whole amount paid.

The Senate, however, was not satisfied to pay this large amount, and on April 28, 1866, adopted the substitute offered by Mr. Grimes, which reduced the amount in the aggregate just one-half. The substitute was as follows:

That the Secretary of the Treasury be directed to pay, out of any money in the Treasury not otherwise appropriated, to the several parties the awards made in their favor by the naval board organized under the resolution of the Senate adopted March 9, 1865, the awards being made under date of December 23, 1865, and reported to the Secretary of the Navy: *Provided*, That the payments shall not in any case exceed 12 per cent. on the contract price except in the case of the Comanche, in which case the award shall be paid in full.

This bill came to the House of Representatives and was referred to the Committee of Claims February 14, 1867. Subsequently Mr. Sloan made an elaborate report thereon, in which the whole subject of relief to the "more than forty" iron-clad contractors is discussed. Speaking for the committee he says: "And we think that it was the duty of the Government (except in one or two instances) to furnish all the plans and drawings necessary for the prosecution of the work as fast as needed, and if loss was occasioned to the contractors by the delay of the Government in this regard it is legally liable to indemnify them for such loss, and that the Government is also liable to pay the necessary increased cost of any alterations in construction caused by its subsequent action not provided for in the contracts. The committee, however, do not express any opinion as to whether the amounts already allowed and paid to the claimants by the Navy Department on this account have been sufficient to indemnify them for such loss and damage. This can only be ascertained by a full investigation of each case."

The committee also reported against any indemnity to contractors for losses occasioned by the advance in the prices of labor and material during the time in which the contract was to have been performed not caused by the delay of the Government.

The committee therefore reported a substitute for the Senate bill, in accordance with the reasoning of Mr. Sloan's report. The substitute passed both Houses, and was approved March 2, 1867, and became a law, as follows:

CHAP. CXLVII.—An act for the relief of certain contractors for the construction of vessels of war and steam machinery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to investigate the claims of all contractors for building vessels of war and steam machinery for the same under contracts made after the first day of May, eighteen hundred and sixty-one, and prior to the first day of January, eighteen hundred and sixty-four, and said investigation to be made upon the following basis: he shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work

& Co., and Perrine, Secor & Co., the sum of \$93,000 upon certain pretended accounts for extra work upon the war vessels Tecumseh, Mahopac, and Manhattan, which had theretofore been entirely closed and paid in full, in pursuance of the act of Congress approved July 13, 1868; that the Secretary knew of this act of Congress at the time of such payment to the Secors, and that he took the money for this purpose out of the appropriation for the maintenance of the Navy for the current year.

The facts which appear in evidence before the committee are as follows :

In the year 1862, the firms of which the Messrs. Secor were the principal partners, contracted with the Navy Department to build for the Government three war vessels, according to certain plans and specifications, for the contract price of \$1,380,000.

These three vessels, which were severally named Tecumseh, Mahopac, and Manhattan, were completed and delivered to the Navy Department in the early part of the year 1864, or before that time, and the whole contract price, \$1,380,000, was paid by the Department.

During the progress of the work many alterations were made by the Department engineers, which increased the cost of the vessels, and occasioned much extra work. This extra work was also paid for by the Department upon bills certified by a board of naval officers of which Admiral Gregory was in charge, and amounted in all to \$521,195.58.

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It is important to notice the terms of this Senate resolution, because it was the foundation of the whole legislation afterward. It does not propose to examine any claims at all, but it undertakes to establish a principle upon which the whole controversy with the iron-clad contract-

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The committee therefore reported a substitute for the Senate bill, in accordance with the reasoning of Mr. Sloan's report. The substitute passed both Houses, and was approved March 2, 1867, and became a law, as follows:

CHAP. CXLVII.—An act for the relief of certain contractors for the construction of vessels of war and steam machinery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to investigate the claims of all contractors for building vessels of war and steam machinery for the same under contracts made after the first day of May, eighteen hundred and sixty-one, and prior to the first day of January, eighteen hundred and sixty-four, and said investigation to be made upon the following basis: he shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work

by reason of any changes or alterations in the plans or specifications required, and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from such additional cost, to be ascertained as aforesaid, there shall be deducted such sum as may have been paid each contractor for any reason heretofore over and above the contract price; and shall report to Congress a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price.

Approved March 2, 1867.

This act directed the Secretary of the Navy to investigate the claims of all contractors for building vessels of war and steam machinery, and fixes the principle upon which the investigation shall proceed. Neither the Senate nor the House was satisfied with the report of the Selfridge board, and this act ordered a new investigation by the Secretary of the Navy, and he was directed precisely what Congress desired him to do. He was to ascertain the additional cost which was necessarily incurred by reason of any changes or alterations in the plans or specifications required, and delays in the prosecution of the work, occasioned by the Government, which were not provided for in the original contract, and from such additional cost there was to be deducted such sum as may have been paid any contractor, for any reason heretofore, over and above the contract price. Is there any possibility of misunderstanding this? The whole additional cost includes all extra work of every sort. No report could possibly be made under this law which did not include the entire cost of the extra work.

The Secretary of the Navy proceeded to carry this law into effect in the usual way by appointing the board, of which Commodore J. R. Marchand was president. This board reported its action to the Secretary November 26, 1867, and the report was sent to Congress. It reported that "the amount of such increased cost caused by the delay and action of the Government," as determined by board to be due, in the matter of the vessels Tecumseh, Mahopac, and Manhattan, was \$115,539.01.

The board say that the report shows the result of their action under the act of March 2, 1867, and we have already seen that under that act they were required to ascertain the additional cost of the vessels occasioned by the delay and action of the Government, and to allow the balance, after deducting all that had been paid over and above the contract price. This they did, no doubt, as the act commanded, in the clearest manner. This report having been laid before Congress, the whole matter was closed up by the passage of the act approved July 13, 1868, as follows:

[Private—No. 76.]

An act for the relief of certain Government contractors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Secor and Company, and Perine, Secor and Company, the sum of one hundred and fifteen thousand five hundred and thirty-nine dollars and one cent; to Harrison Loring, thirty-eight thousand five hundred and thirteen dollars; to the Atlantic Iron Works, of Boston, Massachusetts, four thousand eight hundred and fifty-two dollars and fifty-eight cents; to Aquilla Adams, the sum of four thousand eight hundred and fifty-two dollars and fifty-eight cents; to M. F. Merritt, the sum of four thousand eight hundred and fifty-two dollars and fifty-eight cents; to Tomlinson, Harteepee and Company, fifteen thousand one hundred and seventy-one dollars; to

Harlan and Hollingsworth, the sum of thirty-eight thousand five hundred and thirteen dollars; and to Poole and Hunt, the sum of three thousand six hundred and ninety-four dollars and eighty-one cents, being the amount found to be due to each of the parties herein respectively named by the Secretary of the Navy under an act of Congress entitled "An act for the relief of certain contractors for the construction of vessels of war and steam machinery," approved March two, eighteen hundred and sixty-seven, *which shall be in full discharge of all claims against the United States on account of the vessels upon which the board made the allowance, as per their report, under the act of March two, eighteen hundred and sixty-seven.*

Approved July 13, 1868.

By this law the report of the Marchand board is approved, the money appropriated to pay the claim allowed, and such payment is declared to be "full discharge of all claims against the United States on account of the vessels upon which the board made the allowance as per their report under the act of March 2, 1867."

Under this act the Messrs. Secor received the sum appropriated to them, and thereby discharged all claims on account of the vessels Tecumseh, Mahopac, and Manhattan, being the vessels upon which the board made the allowance as per their report under the act of March 2, 1867. This discharge is not on account of any particular claims, whether for damages or extra work, but of all claims on account of the vessels. If that language does not reach and discharge every claim of every kind on account of the vessels, then it would be curious to inquire what language would do it.

The present Secretary of the Navy, however, determined to disregard this law, and proceeded to appoint another board, without law, to report upon the same matter so far as the Secors were concerned. Why he selected the Messrs. Secor out of the more than forty iron-clad contractors whose claims were disposed of in the Marchand report, does not appear.

These contractors had all united in memorializing Congress for relief, and had obtained the passage of the several acts above referred to, by which it is evident that Congress intended to make a full and final settlement with them all upon principles of justice. If they were not satisfied, it remained for Congress still to give relief, and there was no power elsewhere to grant it.

Nevertheless, the Secretary again took up the case in the Department after it had lain still there for nearly five years, three years of which it had been in Congress, gaining a very handsome sum while there.

The board, of which Commodore Boggs was president, was appointed by Admiral Porter, by direction of Secretary Robeson, on the 6th day of August, 1869. It was directed to "convene at Washington on the 17th instant for the purpose of examining the claim of Messrs. Secor & Co., and Perine, Secor & Co., for charges extra to the contracts in the construction of the harbor and river monitors Tecumseh, Manhattan, and Mahopac."

This order distinctly reopens the Secor accounts, which had been closed both by the Department and by Congress.

It also informs the board that "the Department will send to the board the papers relating to the claim."

Thus it is made clear that this new board, appointed without law, was to review the precise work of the Marchand board, which had been appointed in pursuance of law, and it was to act upon the papers in the Department, which, as Mr. Lenthal proves, were the same that both the previous boards had acted upon. This will be found to be abundantly confirmed by the report of the Boggs board, commencing on page 21 of the printed testimony.

The board reported to the Secretary of the Navy on the 20th of August, 1869, as follows: "The board has carefully examined and compared the bills of Secor & Co., for extras to their contract for building the harbor and river monitors, Tecumseh and Mahopac, with those paid Miles Greenwood for extras to his contract for building the Tippecanoe, a vessel of the same class, and constructed from the same plans and specifications, *both of which bills were forwarded to the board by the Navy Department.* The board finds the accompanying items and amounts in the bills of Mr. Greenwood, and which have been allowed, and paid him, and not in the bills allowed and paid Secor & Co."

This report is very significant; it shows that what the board was to do had been predetermined. It was to allow Secor what had been paid Greenwood, by a comparison of bills only, and the Greenwood bills were sent to the board for that purpose.

Nothing else was to be done. The board was to set itself gravely to work to compare the Greenwood bills with the Secors bills, which had no doubt been copied directly from them, and then report to the Secretary whether they were alike or not. It was found, for a wonder, that the bills were exactly alike, without the shadow of a difference, and they therefore recommended that they be paid.

As to whether the Secors ever actually furnished these extras or not, or whether, if furnished, it was, at the same time, under the same circumstances, and at the same cost as in the Greenwood case, or whether they had all been paid for in the award of \$115,000 by the Marchand board, were matters of too slight importance to be mentioned in the order or noticed at all in the report of the Boggs board.

It will be observed, however, that there are many items in these bills for "increased cost" of boilers of iron, and of work occasioned by delays by changes made, just what the Marchand board was to ascertain, and reported that it did ascertain. Moreover, the Marchand report shows that while it allowed the Secors \$115,539.01 for "such increased cost caused by delay and action of the Government," it allowed Mr. Miles Greenwood nothing.

The inference is irresistible that they did not allow Greenwood anything because his bills had been paid, and they did allow the Secors because theirs had not been paid.

All these considerations, however, went for nothing with the Secretary, and on the 31st day of December, 1869, he signed a formal order directing the payment of these bills. On January 1, 1870, the vouchers were made out, and the money paid.

That this payment was not only without law, but in direct violation of law, there can be no doubt whatever. It took out of the Treasury \$93,000, against the prohibition of a plain statute, and gave it to parties to whom the Government owed nothing. It was done also against a wholesome rule of the Department, that one administration shall not open accounts which have been closed by another—its predecessor.

The money was taken out of the appropriation made by Congress to pay the current expenses of the Navy Department for the current year, to pay an old iron-clad claim. Admiral Porter had remonstrated against it, and Mr. Lenthall had declared it illegal. (See testimony of Admiral Porter, pages 89 and 90.)

It has been suggested by the friends of the Secretary, and by himself, that it was a question of the construction of the statute. But the statute is too clear for construction. The claim had been brought before Congress, patiently heard and settled in full, and the Secretary knew it.

As if to put this beyond all question, at the very time when the Secretary was paying these pretended claims, the claimants were before the Naval Committee of the Senate urging the passage of another act for their relief, and claiming that they had received the money under the act of July 13, 1868, "under the stress of an overpowering necessity;" and the Naval Committee, in their report of May 12, 1870, say, "That in law such receipt is a complete bar to all further recourse cannot be denied." Under the reasoning of the Senate report Congress passed another act for the relief of the iron-clad contractors, but the President wisely vetoed it, and it fell to the ground. And at this time no one knew that the Secretary of the Navy was paying off iron-clad contractors at his own discretion while Congress was in session, and in spite of the law.

If this Secor claim had been just, it would have been easy to have sent it to the Appropriation Committee in the usual way, but the Secretary was in hot haste, and could not wait for the slow movements of this body, though it was in session at the time.

Some attempt has been made to show what was considered by the Marchand board and what was not. But that is of no consequence at all, because the act of March 2, 1867, declared what the board should consider and what it should not consider, and it reported in accordance with the law. That report was before Congress, and the iron-clad lobby had its full hearing. There and then was the time and place to object, if any objection was to be made, and it is safe to presume that the iron-clad gentlemen did not fail to put in their plea.

Whatever that plea may have been, Congress overruled it, as it had before overruled their claim for any other relief than the "increased cost of the vessel, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract."

The report of the Marchand board was, upon full consideration, adopted and confirmed, and all its recommendations were carried into complete effect, and no power but that of Congress could break up the settlement that had been made. It still stands, in spite of the Secretary of the Navy. The money which the Secors have got does not belong to them, and ought to be recovered back.

It is proper to observe that under the practice of the Navy Department the reports of the boards have no binding effect. They are merely advisory of the Secretary. The act of 1867 did not refer the matter to a board, but to the Secretary of the Navy, and he appointed the board and gave force to the report by his approval.

Neither the report of the Marchand board, nor the approval of the Secretary, was of any account further than it advised Congress of the facts it desired to be made acquainted with. It was Congress that was settling with the iron-clad contractors, and it knew nothing of what appeared before the board except the facts it reported to the Secretary, and which he had indorsed with his approval.

Those facts were "that the contract price of the river and harbor monitors Manhattan, Tecumseh, and Mahopac was \$1,380,000;" that the whole increased cost of the work over the contract price, as claimed by the contractors, was \$1,236,101.22; that the amount of such increased cost, caused by the delay and action of the Government, as determined by the board to be due, was \$115,529.01, and that the amount already paid over and above the contract price was \$521,195.58.

Upon that report, approved by the Secretary of the Navy, Congress

based its action and settled with the Secors, and paid the money which they received. It is quite too late now for the gentlemen of the Boggs board, or any one else, to come in with the special plea that there was something that the Marchand board did not consider, and thus justify the Secretary of the Navy in attempting to overturn the whole arrangement made by Congress. The question is not what the board did, but what Congress has done. If Congress was misled by the report, then it is for Congress to put the matter right, and not for the Secretary of the Navy.

The Second Comptroller was brought in for the purpose of supporting the Secretary, and his evidence is calculated to attract attention. Answering the question of the Secretary, he says: "My first impression was that this allowance of \$93,000 was a mistake, and that they had paid something that was included in the award made by the first board."

A most natural conclusion, surely, and one that no man of reasonable sense could possibly fail to have. In this emergency, what did the sensible Comptroller do? Let him answer for himself. He says, "I took them (the vouchers) up to the Navy Department, and had an interview with you."

That interview settled the hash for the Treasury. Answering again, he says: "I considered, in looking at it in that light, and in the way you explained it, that they were not included in the award of the first board." As if Congress had left anything to the board, or had even authorized the board to settle anything. The act of 1867 does not even name the board, and the act of 1868 only does so for the purpose of identifying the matter to which the full discharge is to apply, and that was put in by way of amendment.

The Second Comptroller presents a very sorry figure in this affair. But the excuse for him is that he is not a lawyer, and the Secretary of the Navy informs us that he is. The question will occur to most persons, what would the Comptroller have done about it if he had adhered to his first conclusion, that the Secretary had no right to allow the account, since the money had been taken out of the Treasury and paid to Secor three months before? His duty would seem to be, in such cases, to look over skeletons and see that they are properly buried out of the sight of inquisitive congressmen.

THE WAR STEAMER TENNESSEE.

On the 3d day of October, 1871, the Secretary of the Navy concluded a contract with John Roach, of New York, to take out the old engines and put in new ones in the Tennessee, a war steamer of the second class. This contract appears in full in the printed testimony, beginning on page 103.

This contract was made without advertisement or any publicity whatever, Mr. Roach being the moving party in it. It agrees to give Mr. Roach the sum of \$300,000, in cash, and the old machinery and boilers to be taken out of the vessel, valued at \$65,000, for his compensation. A large amount of testimony was given by Mr. Dana, for the purpose of showing that this contract was illegal and greatly prejudicial to the interests of the Government.

It was claimed to be illegal, because, 1st, it was let privately without advertisement and open competition, as required by law and by the general practice of the Department; and 2d, it bartered away the machinery and boilers already in the vessel, which was the property of the Government, without any authority of law.

That it was prejudicial to the interests of the Government, because the machinery and boilers were bartered for less than their real value, and because too high a price was agreed to be paid for the new boilers and machinery; that the whole, being repairs of an old ship, ought to have been done at the navy-yards.

Mr. Roach was himself the moving party in these transactions, as appears by his letter under date of August 12, 1871, (page 112,) addressed to the Secretary of the Navy. He asserts in the letter that a number of the larger steam-vessels in the Navy are substantially useless, and proposes to make very extensive repairs and put the vessels in good condition. Mr. Roach is a shrewd and practical business man, and, like all such, had, no doubt, his own advantage in view. He testified at great length before the committee, and seemed anxious to impress it with the notion that his objects were all patriotic, which it is not necessary to deny. He made little concealment of his contempt for the capacity of the Navy Department to repair its own ships and put the Navy in a state of efficiency, all which the Secretary himself seems to have admitted. He declares that no other person or firm in the country could do at all what he has engaged to perform upon the Tennessee, though the superintendent of the navy-yard at Washington says he can build a better engine and do it cheaper than any outside parties.

Whatever the facts may be in this respect, it could have done no harm to have advertised for proposals for this work in the usual way, and thus invited competition. There was no necessity for haste, and no excuse for a private contract, and I understand the law of 1861 absolutely to require publicity, except in cases of great emergency,

If Mr. Roach is correct in his opinion that no one else could do this work, then he would certainly have obtained the contract and have avoided the suspicion that necessarily attaches to what is done in a corner. If the proposals had been invited, then we should have known whether any other builders wished to undertake the work, and what was their opinion of its value if they did so wish.

As to the authority of the Secretary to exchange one engine for another, we do not know from what source he derives the power. If he could barter the engines and boilers of the Tennessee for another set, might he not with equal reason have traded the ship herself for another which he might think better of. It has been supposed that public property could not be disposed of without express authority of law, and there are many decisions to that effect.

Whether the trade was a thrifty one for the Government or not does not very clearly appear. Chief Engineer Isherwood is of the opinion that it was a very bad arrangement. He thinks the old boilers, which had been but little used, were worth much more than was obtained for them. Mr. Roach confesses that his net profits will be at the least the amount of the old machinery, which was valued at \$65,000, but which he professes to value at a lower figure.

Others of the naval engineers think that the bargain with Roach is a good one for the Government and will save money.

That Mr. Roach has a most excellent bargain for himself there can be no doubt whatever. He made it substantially as he wished and had no impertinent interference by other people. The other people had no means of knowing anything about it. It was a private correspondence, set on foot by Mr. Roach himself and obligingly kept from the public by the Secretary of the Navy. Mr. Roach thinks no one else could have interfered, but he prudently prevented all danger by having the matter kept entirely quiet.

THE TORPEDO-BOATS.

What has been said in regard to the contract for the repair of the steamer Tennessee applies equally to the contracts for the torpedo-boats. They were made without advertisement and much in the same manner. The prices paid are no doubt somewhat higher than they would have been if competition had been invited.

Mr. Abram S. Hewitt, a very intelligent iron-maker testifies that the iron contracted for with C. Pennock should have been furnished at a much lower rate, (see page 96,) and there seems little doubt that such is the fact.

The Secretary of the Navy and all his subordinates contend that the law has never been construed to require the Bureau of Steam Engineering to purchase by advertisement. But there is certainly no exception of that Bureau by name in the law, neither does there seem to be any required in reason. The Department, as a general rule, even during the war, did not omit the most wholesome practice of giving the widest publicity to its orders for the purchase of supplies for all the Bureaus. The advertisements were sometimes short in point of time, but the time was sufficient to notify fully all those who were likely to desire to make proposals.

The omission of this practice is of a most dangerous tendency. It is not merely that supplies will cost less money if the freest competition is invited, though that is a sufficient reason of itself, but it is that full publicity is the only reliable safeguard against frauds. So far as purchasing is concerned, it ought to be open to every one who has the article to sell, and everything should be above-board. While this is the case, and the whole public is looking on, there is little danger that public officers will attempt any fraudulent practices. But, once omit this, and allow the greatest transactions to be carried forward by private contracts, and the grossest favoritism is certain to result.

The practice of construing away the laws, which seems to have obtained very generally of late in the Navy Department, cannot meet the approbation of any good citizen. The officers of the Executive Departments ought to be held to the most scrupulous obedience to the laws; and, in cases of doubt, they should appeal to Congress, and not endeavor, by strained construction, to reach an object that may be desired.

THE "GOVERNOR" CLAIM.

This claim was for the loss of the steamer Governor while in the service of the United States under a charter-party made on the 19th day of October, 1861, between C. L. Litchfield and Commodore Du Pont, for voyages from Hampton Roads to such port or ports as may be designated. (See page 411 of testimony.) The steamer was built in 1846, and was therefore fifteen years old when this charter-party was signed.

Commodore Du Pont had contracted for this vessel for certain voyages from Hampton Roads to such port or ports as might be designated by the Government, and was to pay for her use the sum of \$7,800 for the first month and \$7,500 for each subsequent month. The owners were to keep her tight, staunch, and strong, and to use her in the Government service, the officers and crew being paid by the Government.

There is no restriction that she was to be employed on rivers; on the contrary, she was to go to any ports designated. There is no agreement to insure her safety except as follows: "And it is further agreed that if the said vessel be captured, destroyed, or damaged by an enemy,

or run ashore by order of the party of the second part, (the Government,) or otherwise injured in obeying any order of the party of the second part through no fault of the party of the first part, the owners shall be indemnified for all such loss or damage; but all other loss or damage to the said vessel from other causes than those above specified shall be borne by the party of the first part."

The Secretary says, (page 383 :) "The steamer was lost in a storm. She was ordered out to sea. They protested against going, but went, and being a *river steamer*, she swamped." That is to say, she went out to sea upon a voyage, just such as she was employed to go upon, and swamped. Was this the sort of order she was to be indemnified against? I say clearly not. The orders to be indemnified against were such as related to the dangers of war, not those of the sea; such as capture by the enemy, or other injury by him, running ashore, and the like.

She swamped and sunk because she was unseaworthy. Whose fault was that? Certainly not that of the Government. She was paid a price per month for this service which in six months would equal her whole value. Can it be supposed that the Government intended also to guarantee her against the ordinary dangers of the sea? It does not seem reasonable.

Chipman, Hosmer & Co., however, made a claim for the value of this steamer, and argued and submitted it to the Secretary of the Navy; and, after due consideration, the Secretary rejected it, as it is very clear his duty required.

This, one would say, should have been the end of it, but that seems not to be the fate of cases in the Navy Department. When they are rejected, then the rigorous effort begins. It was so in this case. Chipman, Hosmer & Co. wrote to their clients at Portland, Maine, that the claim was rejected and there was not much hope of it.

Very soon after that, luckily, the most useful creature in Washington, Mr. S. P. Brown, a member of the board of public works, a very favorite contractor in the Navy Department, and friend of suffering claimants, happened to be in Portland, and was waited upon by the claimants in this case. Of course they employed Mr. Brown, though, strange to say, he is not a lawyer or professional man of any sort, but he at once undertook the matter in a vigorous way.

Mr. Brown suggested the employment of Mr. Simeon Johnson, the attorney of the claimants in the Sun case, and he was employed. He also suggested the employment of Hon. William M. Evarts, late Attorney General, to write an opinion in the case, and that was done. Certainly by this time the prospects of the claimants must have been very greatly improved, and so they were.

The Secretary succumbed to this muscular treatment, and on a rehearing he says, "After much consideration, I am constrained to change my first impresssion." Alas for "*much consideration*."

The claim was allowed at the sum of \$52,000, and all that remained was to divide the money; and, singularly enough, we cannot ascertain what became of it. Mr. Hosmer says, (page 269 :) "Our contingent fee was 50 per cent. We sent the claimants \$26,000; \$26,000 was retained for fees, out of which were to be paid Mr. Evarts, Mr. Johnson, and the useful member of the board of public works, S. P. Brown.

Mr. Brown admits, modestly, that he received \$6,700 for his services. What those services were he is unable to state, except that he advised the employment of Messrs. Evarts and Johnson. Chipman, Hosmer & Co. received their fees, and \$12,000 were left in the hands of Simeon Johnson, lately deceased. How that \$12,000 was divided, these gentle-

men profess that they do not know, and since Mr. Johnson cannot testify, we cannot follow it further.

Now, we do not undertake to hold the Secretary of the Navy responsible for this transaction so far as these exorbitant fees are concerned, but he cannot escape his responsibility for a system which makes this business possible, and even invites it. These claimants were made to believe that an enormous expenditure was necessary to induce the Secretary to reverse his former judgment, and it seems to be considered in the Navy Department that nothing is ever concluded.

The rejection of a claim seems only an additional *stimulus* to a more vigorous attack. Perhaps this system is not even peculiar to the Navy Department. But it seems very clear that in any tribunal where such vast claims are considered there should be regular methods of procedure, and a decision should be final as the judgments of courts are final, only to be reviewed on appeal or motion for a new trial.

Why was not this Governor case sent to the Court of Claims, where the Government could have had counsel and a proper defense? There is every reason to believe that it was a groundless claim and never could have prevailed in any court. If the matter was doubtful enough to require the opinion of Mr. Evarts, the paid counsel of the claimants, after it had been once rejected by the Secretary, why would it not have been well, at least, to have gotten the opinion of the Attorney General of the United States, an officer who might be supposed to speak impartially?

I cannot but think that this claim was very improvidently allowed by the Secretary of the Navy.

CHARGES OF PERSONAL CORRUPTION.

It remains only to consider the charges of personal corruption against the Secretary of the Navy, which were so freely indulged in in the newspaper articles which were the principal occasion of the inquiry. Mr. Dana, when on the stand as a witness himself, testifies (page 145) that he had no evidence "to show the division or appropriation of any money" by the Secretary. "That," he says, "is a matter of inference."

And it did not need that Mr. Dana should state this. It was evident from his newspaper articles that he was resorting very freely to inferences not only, but that he was making inferences which his facts did not fully justify. It is all summed up in Mr. Dana's own language, (page 147:) "*I could not conceive of a man making such a payment with any honest motive or purpose.*" That was the whole idea. Having detected the Secretary of the Navy in making a plainly illegal payment of \$93,000, Mr. Dana insists that it is impossible there should be any but a corrupt motive for the act.

This view would leave no room for the errors which arise from the hurry of business, from a partial understanding of the case, and from those outside influences which go far many times to mislead the judgment of a man whose motives are, after all, not really wicked. The public officer is often very bad, while the man is not really personally corrupt.

While I abate nothing of what is said in the preceding pages of this report, and while I believe that the administration of the Navy Department is anything but creditable to the country at this time, I cannot say that the charges of personal corruption against the Secretary are made out in the proof. As to that, therefore, he is to be acquitted.

It is an acknowledged fact all over the country that the United States Navy, once the source of unmixed pride to the people, has been of late years rapidly degenerating into a cause for fear and apprehension.

Vast sums of money have been expended, and still the Navy shows no sign of improvement. Its situation furnishes the most unanswerable charge against the administration of the Secretary. It is "barnacled" all over, and if its administration is not speedily changed for the better the people of this country are likely to be brought to shame on its account.

AUSTIN BLAIR,
Chairman of Committee.

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MONTANA WAR-CLAIMS.

MAY 24, 1872.—Ordered to be printed.

Mr. DONNAN, from the Committee on Military Affairs, made the following

REPORT:

[To accompany H. Res. 23.]

The Committee on Military Affairs, to whom was referred House resolution No. 23, to enable the Secretary of War to pay the expenses incurred in suppressing the Indian hostilities in the Territory of Montana, in the year 1867, having had the same under consideration respectfully submit the following report :

In the spring of 1867 the authorities and people of the Territory became seriously alarmed in view of a threatened attack by hostile Indians.

General T. F. Meagher, governor of the Territory acting (it is claimed) under authority of the War Department, called out several hundred men, as a militia force, who were kept in the field for several months, and an alleged expenditure incurred for clothing, subsistence, transportation of supplies, &c., which, aside from personal military service of the men, amounted to nearly one million dollars.

Liability for this expenditure on the part of the Government was denied by General Sherman in his annual report for October 1, 1867, as follows :

The Secretary authorized me, under advice of extreme caution, to call out volunteers for the emergency if the regular troops were inadequate. Under date of May 14, 1867, I telegraphed to Acting Governor Meagher that re-enforcements were coming as fast as possible, but if the danger was as great as he had represented, to "call out in your interest the people and clear the way ;" adding, "there is no law authorizing the enrolling of troops in a Territory subject to the governor ; but you should meet the emergency without a formal organization and muster into service of the United States, confining yourself to self-protection." Governor Meagher had already called out volunteers, and subsequently asked me for arms and equipments, and to be mustered in. This I emphatically refused in a dispatch of the 9th of May, but instructed General Augur to order from his nearest post, viz, Salt Lake City, a discreet officer, to go to Virginia City, Montana, and to judge of the necessity of a call for volunteers. General Augur dispatched that most judicious officer, Major and Brevet Lieutenant Colonel William H. Lewis, Thirty-sixth Infantry, who reached Virginia City about May 19, 1867, and, after remaining there a month, confirmed me in the belief that Gallatin Valley had not been invaded by hostile Indians at all ; but that the murder of a Mr. Bozeman, more than sixty miles beyond Gallatin, in the direction of Fort C. F. Smith, was the only real act of hostility that he could hear of that had been committed in that quarter. I then recalled Brevet Lieutenant Colonel Lewis, and left the whole matter to General Terry, in whose department Montana was, and who was then known to be *en route* for that Territory. For the further consideration of this matter, I refer to General Terry's report herewith, and only allude to it here to show that the United States are not in any measure responsible for the call for volunteers in Montana, which Acting Governor Meagher made, in spite of the decision, to the contrary by the rightful Department of Government ; and because I also learn that since the arrival there of Governor Green Clay Smith, he also has retained in service these volunteers, and

has also brought about a conflict with the Crows and other Indians outside of the settled limits of the Territory, when he knew that the Government desired very much to retain peaceful relations between them.

Payment on all vouchers has been withheld.

Claimants then came to Congress for relief. The Committee on Territories of the Senate, to whom the subject was referred, after a thorough examination, and after hearing testimony relative thereto, on the 9th of February, 1870, made a report to the Senate, of which the following is the closing paragraph :

The committee do not refer to the services of the men called out by the territorial authorities, but only to the expense of arms and supplies. These seem to have been furnished by persons in good faith, and without knowledge of the want of authority to call out the militia, and the committee recommend compensation for them.

They think it would not be doing exact equity to such persons to withhold from them a reasonable indemnity for property thus furnished under what they undoubtedly presumed to be competent authority.

(For full text of this report, see pages 2, 3, 4, and 5, Ex. Doc. No. 98, Forty-first Congress, hereto attached.)

In pursuance of this recommendation Congress passed the following, as section 10 of the act making appropriations for sundry civil expenses, approved July 15, 1870 :

SECTION 10. That the Secretary of War be, and he is hereby, authorized and required to ascertain, or cause to be ascertained, the amount of expense necessarily incurred by the territorial authorities of Montana for arms and supplies of the volunteer forces called out to suppress Indian hostilities in the Territory of Montana, in the year 1867, and report to Congress at the next session the names of persons entitled to relief, together with a statement of the facts and sums upon which such report may be based.

In compliance with the requirements of this act, the Secretary of War detailed General James A. Hardie, inspector general, military division of the Missouri, to make an investigation and report as to amounts justly due upon these claims, under the following instructions :

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, D. C., August 31, 1870.

SIR : I am directed by the Secretary of War to inclose herewith certain papers relating to the claims of sundry persons against the United States on account of supplies alleged to have been furnished to the volunteer forces called into service by the territorial authorities of Montana, for the suppression of Indian hostilities, in the year 1867, and to invite your attention to the tenth section of an act of Congress making appropriations for sundry civil expenses of the Government, and for other purposes, approved July 15, 1870, and published in General Orders No. 108, current series, from this office.

It is the desire of the Department that the inspector general serving at the headquarters of the Military Division of the Missouri be instructed to proceed to Helena, and such other points in Montana Territory, or elsewhere, as may be necessary, for the purpose of examining into all claims for arms and supplies furnished, or alleged to have been furnished, to or for the volunteer troops or territorial militia of Montana in the year 1867, when called into service by the officers of the Territory. The officer thus selected for the duty referred to will be directed to make a full report of his investigation to this office as soon as practicable, setting forth particularly the names of all parties equitably entitled to compensation and the amounts justly due in each case, taking into consideration the quantity and quality of the supplies actually furnished, and the prevailing scale of prices for such articles at the time they were furnished. He will also be required to report what disposition was made of the property purchased and received by the military officers of the Territory, and to furnish such other information as may aid the Department to a full understanding of the facts and merits concerned.

It is to be observed that no provision is made by the law cited for an ascertainment or allowance of any claims for personal service.

I am, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant General.

COMMANDING GENERAL MILITARY DIVISION OF THE MISSOURI,
Chicago, Illinois.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Illinois, September 23, 1870.

Official copy respectfully furnished Colonel James A. Hardie, inspector general, Military Division of the Missouri, by command of General Sheridan.

GEORGE L. HARTSUFF,
Assistant Adjutant General.

Acting under these instructions General Hardie made an examination of all the surrounding circumstances, and of each individual claim, and collected and filed a large mass of record matter and documentary evidence, which were destroyed by the great fire in Chicago, when he had nearly finished his report of awards upon the several claims. A previous report, however, had been made by this officer of date January 30, 1871, which contains a very complete statement of the long, patient, and thorough investigation which he gave to these claims. The sources of his information, the extent of his inquiry, and the conclusions reached, with a detailed statement of the nature and value of the supplies and services for which vouchers had been issued.

On March 11th ultimo this office submitted to the Secretary of War an additional report, setting forth the arrangements by which another list of awards were framed, statements of facts ascertained, of sums allowed, and of persons entitled to relief, in tabulated form, as re-examined by him, accompanied by lists of unexamined, suspended, and rejected vouchers, with explanations of each separate class. Both these reports, together with the testimony submitted to the committee, are hereto attached.

In view of the Senate report, the law of 1870, the evidence and reports submitted, the committee proceeded to consider the following points relating to this subject-matter:

1. Did section 10, act of July 15, 1870, bind Congress to an appropriation for all expenses incurred for arms and supplies of the forces called out by the territorial authorities to suppress these threatened hostilities? In the opinion of the committee it only authorized and required an ascertainment of the amount of necessary expenses, with the names of the persons entitled to relief, and a report of the same, for the further consideration and final action of Congress.

2. Was there such actual or threatened attack by hostile Indians as would justify expenditure for defense, or was the action of the civil authorities in calling out the troops so wholly unauthorized by the General Government as would justify a refusal on the part of Congress to pay any portion whatever of the expenses incurred?

From the testimony of Mr. Claggett, the Delegate in Congress from that Territory, and that of Mr. Insley, there can be no doubt that quite a number of settlers were killed, and that the circumstances were such as might well alarm persons of ordinary prudence, and that the battalion placed in service may have been instrumental in preventing much more extended hostile incursions by the Indians. But whether or not there may have been reasonable occasion for calling out the militia from the following telegrams, to wit:

WASHINGTON, D. C., *May 4, 1867.*

General T. F. MEAGHER,

Acting Governor Montana Territory. Virginia City:

In answer to your telegram of April 28, in relation to Indian invasions, I am instructed by the Secretary of War to inform you that authority has been given by this Department to Lieutenant General Sherman to call out, organize, officer, arm, and sub-sist such militia force in Montana Territory as he deems necessary for the protection

of that Territory against hostile Indians. Any suggestions you may make to General Sherman at Saint Louis, on matters relating to this subject, will receive his attention. Acknowledge receipt.

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Saint Louis, Missouri, May 7, 1867.

To FRANCIS MEAGHER,
Acting Governor Montana Territory, Virginia City :

If Indians enter the valley of the Gallatin, organize eight hundred (800) volunteers and drive them out. These troops should only be used until the Regulars reach the Yellowstone.

W. T. SHERMAN,
Lieutenant General.

Official copy respectfully furnished by mail.

A. C. NICHOLS,
Assistant Adjutant General.

SAINT LOUIS, Mo., May 24, 1867.

Col. W. H. LEWIS,
Virginia City, Montana Territory :

Muster in a battalion of 800 men, at the cost of the United States, for two months; equip them as you can best until the arms *en route* reach Fort Benton; move quickly to the threatened point, when the danger will either disappear or be removed; let the men furnish their own horses at 40 cents per day, and be rationed by contract; when the service is rendered, I will order payment by regular paymaster.

(Signed)

W. T. SHERMAN,
Lieutenant General, Commanding.

All of which have been proven as genuine, there appears to have been at least such recognition of the calling out and subsisting of troops as to justify private parties in furnishing the absolutely necessary supplies, in the full belief that the Government intended to pay for the same, as stated in the telegrams. Granting that the action of the civil authorities was hasty and injudicious, still, under the circumstances, the committee feel compelled to say there was ostensible recognition of these troops, (although never actually mustered into service,) as that a repudiation of reasonable indemnity for property furnished in good faith by individuals would fall far short of that equity and justice which the Government so generally extends to all her citizens.

3. Should the entire amount of expenditures be paid?

There is no question that many irregularities, extravagant expenditures, and doubtful, if not fraudulent, transactions occurred in connection with supplies furnished, and especially with the final disposition of the Government property, remaining on hand about the time these troops were disbanded, which have cast a cloud over the whole matter, and without doubt have prevented the payment of just claims of innocent parties. It appears evident that a large number of the horses and equipments, articles of camp and garrison equipage, and other items of value, including the purchased arms, were either sold and proceeds divided among the men, or were appropriated directly by them. The committee are therefore of the opinion that no appropriation whatever ought to be made to pay the balance, if any is due, for the personal services of the volunteers. It further appears that in some instances vouchers were issued for a greater number of articles or larger amount of property than were actually furnished; and in still other instances that vouchers were issued for property at an extravagant value; and in still other instances for property which never was purchased at all.

The committee are therefore of the opinion that no payment should be made upon any of these claims, except upon satisfactory evidence that the property was actually delivered, and then only for a fair and reasonable valuation of such property.

4. Has such an examination been made as will enable Congress and the Departments to fairly discriminate between these claims upon the basis just stated?

It appears that General Hardie spent several weeks at the different points in Montana, where these expenditures occurred, and by oral and written statements, and by sworn examination of persons and officers, obtained quite complete information as to the manner in which supplies were furnished; what quantity and quality of supplies were actually furnished; what amounts were actually issued to the troops, or in good faith used for the public service; what became of the property on hand when the men were disbanded, and its approximate value; and what particular persons had furnished supplies, and the actual deliveries to the territorial authorities.

With this information he proceeded to an examination of each claim presented, and prepared a list of claims reported on with amounts claimed, amounts allowed, and names of parties; also lists of claims wholly rejected, and of claims suspended when proof of delivery of property or of rendition of service have not been sufficiently proved, or the vouchers were irregularly issued, all of which are hereto appended, marked "Montana Indian War Claims, Nos. 4 and 5."

In addition to this is a list, (too voluminous for publication,) which is a recapitulation of Nos. 4 and 5, with detailed statements of facts and sums, with a report in brief upon each voucher or claim examined, and with comments of General Hardie upon their merits.

Beside these lists there is also transmitted a chest full of papers, consisting of vouchers and documentary evidence submitted in support of the claims, with reports of General Hardie thereon.

The total amount of the claims under consideration is \$980,313.11. Of this sum \$777,781.13 is for purchases and expenses in the Quartermaster's Department, and \$202,531.98 for purchases and expenses of the Subsistence Department.

The following exhibit of prices charged for the supplies, and of the current market rates, will serve to explain the awards reported, upon vouchers for which the property was actually furnished:

Articles.	Prices charged.	Prices at which the purchases could have been made.
Wood	\$16 to \$20	\$6 25 to \$7 50 per cord.
Hay	\$45 to \$65	\$30 to \$35 per ton.
Oats	14½ cents per pound	8 to 11 cents per pound.
Barley	14½ cents per pound	8 to 11 cents per pound.
Horses	Average, \$201	{ General average of total, \$80. { (See special discussion.)
Mules	\$200 to \$250	40 per cent. less.
Flour	18 to 19 cents per pound..	10 to 12 cents per pound.
Beef	28 to 30 cents per pound..	20 to 22 cents per pound.
Bacon	50 to 80 cents per pound..	27 to 35 cents per pound.
Sugar	60 to 78 cents per pound..	32 to 35 cents per pound.
Coffee	80 cents per pound	37½ to 44 cents per pound.
Tea	\$2 to \$4 50	{ Green, \$2 50 to \$2 81 per pound. { Black, \$1 57½ to \$2 18 per pound.
Clothing	Overcharged from 25 to 40 per cent.	
Arms	Overcharged from 30 to 40 per cent.	
Saddles and equip- ments	Overcharged from 30 to 40 per cent.	
Medicines	Overcharged from 40 to 60 per cent.	
Hardware	Overcharged from 30 to 40 per cent.	

From an examination of his reports, and from the testimony of General Hardie, submitted in explanation of his procedure, the committee are satisfied that a very thorough and careful investigation has been given to this whole matter; and that, should Congress authorize the settlement of these accounts substantially upon the basis reported by General Hardie, after being carefully revised by the proper accounting officers of the Treasury, and requiring receipts in full from all the claimants upon the payment of all such awards, the private interests of those persons who furnished property in good faith, under what they undoubtedly believed to be competent authority, will have been fully regarded, and the public interests faithfully protected. The report of the inspector general has received the full approval of the Secretary of War.

5. Has the reliability of this investigation been materially impaired by the loss of papers connected with the claims in the Chicago fire?

In a great majority of the cases the original vouchers, after being inspected by General Hardie, were returned to the claimants, verified copies being retained. A list of the claims, memoranda of many awards, and a complete schedule of prices, which he had compiled, were saved. Some of the vouchers destroyed were only lost in single, the duplicates being retained.

In his letter to the Secretary of War, of November 10, 1871, he states that from data preserved he would be enabled to "frame, at no distant day, a new report of awards, which it is believed will be as reliable, and I trust as satisfactory to Congress, as the one lost, even if it were accompanied by the papers reported destroyed."

In the comparatively few cases, where the memoranda were destroyed, and the precise action previously had was not directly recalled, no awards have been made.

The committee are therefore satisfied that the reconstructed report furnishes a list of awards very nearly, if not quite, as reliable as would have been the original list.

The whole amount of awards up to date of report, March 11, 1872, is \$456,504.21, upon \$821,886.21 of the aggregate amount of claims.

Vouchers were rejected to the amount of.....	\$62,331 49
Vouchers were suspended to the amount of.....	56,172 49
Vouchers on which suspension was made to the amount of	41,947 91
Vouchers outstanding to the amount of.....	50,868 25

Vouchers amounting to nearly \$7,000 of this last item have come in since March 11th, and have been deposited with the other papers, accompanied by a supplemental report of General Hardie.

The joint resolution referred to the committee asks for an appropriation of \$513,343.

The report states that this sum will be needed, and will probably be sufficient to pay the awards made on all the claims reported on, as well as those yet to come in.

Claimants complain of the pecuniary hardships they have suffered, because of the non-payment of their vouchers, and urge an allowance of interest thereon.

The committee report adversely as to any claim for interest; express their entire confidence in General Hardie's examination and award; report the following substitute, in the nature of a bill, for the joint resolution referred, and recommend its passage.

APPENDIX.

REPORT ON THE MONTANA INDIAN WAR-CLAIMS OF 1867.

SECTION 10. That the Secretary of War be, and he is hereby, authorized and required to ascertain, or cause to be ascertained, the amount of expense necessarily incurred by the territorial authorities of Montana for arms and supplies of the volunteer forces called out to suppress Indian hostilities in the Territory of Montana in the year 1867, and report to Congress at the next session the names of persons entitled to relief, together with a statement of the facts and sums upon which such report may be based.

Approved July 15, 1870.

The undersigned has the honor to submit to the Secretary of War the following papers, pertaining to his investigation of the Montana Indian war-claims of 1867 :

1. Correspondence setting forth the fact of the destruction in the late fire in Chicago of the mass of the documentary and record matter, evidence, &c., collected and filed, and of the nearly finished report of awards; and how it was arranged to proceed in this dilemma to frame another list of awards.

2. A general report on these claims previously made by the undersigned, dated the 30th of January, 1871. This document is now before Congress, but is made a part of this report as containing matter essential to the study of the proper disposition of individual cases. Reference to it renders unnecessary tedious repetitions of narrations, explanations, and discussions.

3. "Statements of facts and sums, and of persons entitled to relief," in tabulated form. This is a report in brief upon each Montana voucher or claim re-examined. It is accompanied with copies of the vouchers or claims, (in some cases the originals,) with comments upon their merits.

4. List of persons entitled to relief, as far as they can be safely named; a recapitulation of No. 3 as respects names and amounts.

5. Lists of vouchers, unexamined or only partially examined, of suspended and of rejected vouchers.

An inspection of these papers will show that there have been considered and disposed of, in the reconstruction of the destroyed report, the great mass of the claims. It will nevertheless appear that certain claims, not important in amount in relation to the rest, all papers or memoranda on my files pertaining to which were burned, have not been re-stated or re-presented by the parties interested since the fire. Where recollection is not distinct as to the precise action previously had upon such claims, awards cannot be safely made. Most of these claims are remembered to have had merit. Where the merits of the vouchers are known, and the amounts can be sufficiently made out from surviving memoranda or from memory, and the result of the former examination is clearly brought to mind, the cases have been disposed of in the general report. It is believed that some of the cases which are reported as not now being in a condition to be acted upon, in the accompanying list, may still be made up and presented, some, perhaps, within a brief period. In such case they will be acted upon and considered in a supplemental report to be forwarded to the War Department upon the conclusion of the examination. Some of the claims on the list will probably not be presented at all.

The suspended cases are those where proof of delivery of property or rendition of service, &c., has not been deemed sufficient to substantiate the claim, or where the vouchers concerned are irregular or improperly issued. In some cases the identical articles charged for have not been delivered, but it is claimed that other articles equivalent in value and equally necessary to the service were furnished. These irregular vouchers are, however, elsewhere discussed. They have not been taken to be fatal where the parties receiving them have been found innocent of fraudulent design, and where the actual receipt by the public of valuable equivalents is clearly shown. Where such receipt, however, has not been clearly proved, the accounts have not been admitted. When there has appeared reason to believe that something has been received on such vouchers, and there is not ground enough to pronounce the issue of the voucher to have been for the private benefit of the officer, they have been classed among the suspended vouchers. Thus the suspended claims embrace a variety of cases, those that may possibly be substantiated either wholly or partially, down to those having, perhaps, a suspicious character, and from which the cloud may never be removed.

The rejected cases have been so dealt with, because the public received no equivalent that could be shown. It is true that officers issuing them make general averments that the proceeds of the vouchers were applied to the public service, but they present no account of disbursements and do not make their case.

The appropriation asked for last winter, viz, \$513,343, for the extinguishment of these claims, it is believed, will be needed, and will probably be sufficient to pay the awards made on all the claims reported upon, as well as those yet to come in, and such claims on the suspended list as may hereafter be relieved of the causes of suspension.

In various cases the undersigned has refrained from deciding as to who is the "person entitled to relief;" that is, the legal owner of the voucher or account concerned. Certain claims are of contested ownership, some involving issues of law and fact of such importance as that the rights of parties can only be safely determined by legal experts or by the courts. In such cases and in all cases where are doubts as to ownership, the awards have been made payable to the "legal owner."

Many of the claimants complain of the pecuniary hardships to which they have been subjected by being kept out of their money for so many years. They appeal for the allowance of a reasonable rate of interest. Their prayer is respectfully commended to the consideration of the competent authority.

Total amount of claims under the head of investigation given in the statute, as reported last winter.....	\$980,313 11
Number of vouchers and accounts.....	743
Number of vouchers and accounts examined and now reported on.....	604
Amount of these vouchers and accounts.....	\$939,239 71
Amount of awards.....	\$456,504 21
Number of vouchers rejected.....	31
Amount of vouchers rejected.....	\$62,331 49
Number of vouchers suspended.....	34
Amount of vouchers suspended.....	\$56,172 01
Amount of partially suspended vouchers.....	\$41,947 91
Number of vouchers not reported upon for want of information.....	139
Amount of such vouchers outstanding.....	\$50,868 25

NOTE.—This is drawn from retained memoranda not entirely reliable.

The addition of a duplicated claim (\$1,291.25) to the total amount of vouchers examined, and probable errors in the list of vouchers not heard from, which cannot be corrected until the claims come in and the accounts are stated, increase apparently the amount of all these claims, examined and unexamined, by the sum of \$9,784.85 over and above the total amount reported last winter. The errors are, however, of no material consequence now, and will, of course, disappear on the exhibition of the vouchers or stated accounts.

JAS. A. HARDIE,
Inspector General.

INSPECTOR GENERAL'S OFFICE,
Military Division of Missouri, Chicago, Illinois, March 11, 1872.

No. 1.

Correspondence between Inspector General Hardie and the Secretary of War, relative to the destruction by fire, October 9, 1871, of important matter pertaining to the Montana Indian war-claims of 1867, and to the course to be pursued in framing a new list of awards:

1. Telegram reporting the loss by the fire.
2. Instructions of the Secretary of War thereupon.
3. Advertisement calling for re-statement of claims.
4. Letter to the Secretary of War, reporting the loss in detail, and proposing basis for new list of awards.

1.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
INSPECTOR GENERAL'S OFFICE,
Chicago, Illinois, October 17, 1871.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Upon opening my safe to-day, I found the contents to have been entirely destroyed. There is, therefore, lost all the evidence collected in the Montana claim business, together with my list of awards, which was completed, my report merely awaiting for testimony in regard to suspended claims.

Some memoranda that I have, but which are quite meager, together with a partial report in the War Department, will enable me, I hope, aided by my memory and what I may be able to obtain from claimants in the way of renewed evidence, to make another report, but by no means at as early a period as the assembling of Congress. I can finish one by, say, the 1st of March. I have not concluded, exactly, how to proceed, however, and must consult you, say about November 1st. At the present time my labors in connection with the relief question here are so absorbing as to prevent me from doing anything else.

JAMES A. HARDIE,
Inspector General.

2.

WAR DEPARTMENT,
Washington City, October 23, 1871.

DEAR SIR: I am sorry to learn from your dispatch of the 18th instant that the papers relative to the Montana claims have been destroyed by the late fire, and I would be gratified if, by means of surviving papers and well-sifted evidence, you shall be able to make another report which would not involve injustice to claimants or damage to the Government. For this purpose I authorize you to delay your report until March 1st, and also direct that you proceed to Washington, as soon as your duties will permit, to consult with me upon this matter.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Gen. JAMES A. HARDIE.
Chicago, Illinois.

3.

WAR DEPARTMENT,
Washington City, October 30, 1871.

All persons holding or claiming to own vouchers pertaining to the Montana Indian war-claims of 1867, or claiming awards to be found due thereon, are requested to send forward copies of such vouchers, or statements of their claims in detail, with affidavits as to the fact of ownership, to Inspector General James A. Hardie, United States Army, Chicago, Illinois.

Notwithstanding the destruction of the list of awards, nearly completed, and of important evidence pertaining to the claims, sufficient data exists upon which to frame a new list of awards without injurious delay.

By order of the Secretary of War.

JOHN POTTS,
Chief Clerk, War Department.

4.

WASHINGTON, November 10, 1871.

To the honorable the Secretary of War:

SIR: In the great fire of the 9th ultimo, at Chicago, the returns and accounts of the officials of the Territory of Montana, charged with the supply department of the expedition of 1867, to repel Indians incursions in that Territory, which I had collected, were destroyed. Together with these, were also destroyed all the territorial records in my possession, embracing correspondence, both by telegraph and otherwise; reports, &c., pertaining to the origin and raising of the militia force in question. In addition were also destroyed all the papers filed by claimants, with the exception of those of a single case and part of another, together with all the manuscript memoranda prepared by myself, embracing copious notes of testimony taken in Montana and at Chicago; valuable memoranda regarding prices, &c., collected from books of merchants, and from current newspaper reports of the day, and from other sources.

Much of the matter destroyed pertained to the general subject of these claims, their nature, their authenticity, the manner in which they originated, and the mode of transacting business of the territorial officials. This matter was the basis of a general report to Congress, made last session, and is not now of material consequence to the remaining work. Should it be found desirable at any future time to replace this material, so far as the correspondence is concerned, the more important parts of it can perhaps be supplied from the files of the War Department, and the Headquarters of the Army, and the Telegraph Office.

There remains to be prepared, in order to comply fully with the requirements of the

statute, a list setting forth the names of the parties furnishing supplies or rendering services, the amounts to which they are equitably entitled, together with the grounds upon which the awards are based. In the preparation of this list, considerable progress had been made, and its completion was only awaiting the receipt of evidence or information touching some suspended claims or on certain doubtful points. It was destroyed, however, by the fire, and this work now remains to be gone over.

In a great majority of the cases the *original vouchers* pertaining to these claims, after being inspected by me, were returned to the claimants, verified copies being retained. Thus, claimants hold, in the main, important testimony as to their cases, since the precise value of the statements of the vouchers (having been ascertained upon thorough investigation on the spot by personal examination of witnesses, or through affidavits furnished by the parties, or from other sources) is now definitely known. In certain cases parties will be able to replace, without great delay, evidence heretofore furnished.

There are also other papers saved, a list of the claims, and retained memoranda of many awards, together with a complete schedule of the ruling prices, (of the period when these claims took rise,) of most commodities, &c., which had been compiled from copious data heretofore collected. Thus, it will be observed, materials exist, which, with the knowledge of the subject quite detailed, acquired by me in the course of this laborious investigation, will enable me to frame, at no distant day, depending upon the diligence with which claimants proceed in the premises, a new report of awards, which it is believed will be as reliable, and, I trust, as satisfactory to Congress as the one lost, even if it were accompanied with the papers reported destroyed. Claimants have already been notified, through extensive advertisement, to forward copies of vouchers, or statements of their claims, supported by affidavits sustaining the material points of each case. When these shall be received, it is proposed to examine each case, indorse upon the certified copy of the vouchers a brief, pertinent statement as to whether the property claimed to have been delivered was so delivered or not, or whether in whole or in part, and whether the services were rendered, putting down the price found equitable and the amount of award due. This in the case of admitted or partially admitted vouchers or claims.

The cases suspended for further testimony are not in any worse condition than they were before, and so with the rejected claims. Upon each copy furnished of vouchers in the last-named cases, a brief statement of the merits of the case can be indorsed. It is also proposed to furnish a tabulated statement, setting forth the names of the original holders of vouchers, detailed items of property and services for which charges have been made, the amounts of the various vouchers issued, the names of the present holders or owners, the fact whether the deliveries claimed to have been made, or the services rendered, is sustained or not, in full or in part, by the investigation, the prices found equitable, and the awards justly due on each voucher, and the name of the person, in all clear cases, to whom the award should be made, as in the report already mentioned as destroyed by fire. There are more than a few cases in which the question of ownership is so complicated as to indicate a reference either to the courts or to the accounting officers of the Treasury for solution. In such cases, the award can be made, if any be found due, to the "owner" of the described voucher, "upon making his case before the proper authority."

It is not believed that it will be necessary to go through the long and laborious task of replacing all the lost material; indeed, much of it can never be replaced. In fact, a large portion of the material which had been collected had already performed its work by fitting me for the task of reporting upon these claims and would only, had it survived, in all probability have incumbered the pigeon-holes of the Department. The loss of the historical portion is regretted on account of its interest to the people of the Territory of Montana; but, then, all the material portion of this matter exists in newspapers or individual correspondence, and may be replaced. The loss of books, papers, and returns of the officials, so far as they relate to the question of supplies, is of no serious consequence, enabled as I am (as shown above) to set forth all the liabilities fairly involved in the premises. Considerable testimony, in cases of individual claimants, can be replaced, but much has been destroyed and can never be renewed; but as I have been enabled already to pronounce upon most of the claims through information gained from this testimony, as well as from a variety of other sources, it is deemed unnecessary to put claimants to long and tedious delays, or throw them out altogether, by requiring them to replace the matter lost. In such cases I propose to report in brief the result of my official investigation as based upon testimony adduced, but lost.

In the matter of the vouchers destroyed, the claims can all be restated. Some of the destroyed vouchers were only lost in single, the duplicate being retained. I know those destroyed in duplicate, and my official statement of them being burned will remedy the defect of their non-production.

Very respectfully,

JAMES A. HARDIE,
Inspector General.

Approved by the Secretary of War and the Second Comptroller.

No. 2.—REPORT OF JANUARY 30, 1871.

Letter from the Secretary of War, transmitting a report upon the Montana Indian war-claims of 1867. February 4, 1871. Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, February 4, 1871.

The Secretary of War has the honor to submit to the House of Representatives the accompanying report of Inspector General James A. Hardie, United States Army, upon the Montana Indian war-claims of 1867, an investigation into the said claims having been undertaken by the War Department, in obedience to the requirements of section 10 of the act of Congress of July 15, 1870. It will be seen upon reference to the report that the claims amount to \$980,313.11, but that the searching inquiry pursued by the officer charged with their investigation has induced him to report to the Department that an appropriation of \$513,343 will discharge, upon just and equitable terms, all the obligations which the United States, by the act above cited, have been pleased to assume. Upon careful consideration, the views of the investigating officer are sustained by the Secretary of War.

The investigation into the general subject of these claims being now concluded, and the result reported, an examination is now progressing with a view to ascertain what persons are equitably entitled to relief and what particular sums should be paid to the various claimants, and though some delay will necessarily attend upon this branch of the investigation, a report will in due time be prepared and submitted to Congress, or to the executive authorities empowered to settle the claims, as circumstances may then require. Meantime it is believed that the report now presented contains all the information necessary to an ascertainment of the amount to be appropriated in liquidation of the expenses incurred by the Territory of Montana in calling out its militia forces in the year 1867.

WM. W. BELKNAP,
Secretary of War.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
INSPECTOR GENERAL'S OFFICE,
Chicago, January 30, 1871.

SIR: In the month of September last I received at my station in this city the following order from the War Department:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, D. C., August 31, 1870.

SIR: I am directed by the Secretary of War to inclose herewith certain papers relating to the claims of sundry persons against the United States on account of supplies alleged to have been furnished to the volunteer forces called into service by the territorial authorities of Montana, for the suppression of Indian hostilities, in the year 1867, and to invite your attention to the tenth section of an act of Congress making appropriations for sundry civil expenses of the Government, and for other purposes, approved July 15, 1870, and published in General Orders No. 108, current series, from this office.

It is the desire of the Department that the inspector general serving at the headquarters of the Military Division of the Missouri be instructed to proceed to Helena, and such other points in Montana Territory, or elsewhere, as may be necessary, for the purpose of examining into all claims for arms and supplies furnished, or alleged to have been furnished, to or for the volunteer troops or territorial militia of Montana in the year 1867, when called into service by the officers of the Territory. The officer thus selected for the duty referred to will be directed to make a full report of his investigation to this office as soon as practicable, setting forth particularly the names of all parties equitably entitled to compensation and the amounts justly due in each case, taking into consideration the quantity and quality of the supplies actually furnished and the prevailing scale of prices for such articles at the time they were furnished. He will also be required to report what disposition was made of the property purchased and received by the military officers of the Territory, and to furnish such other information as may aid the Department to a full understanding of the facts and merits concerned.

It is to be observed that no provision is made by the law cited for an ascertainment or allowance of any claims for personal service.

I am, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant General.

COMMANDING GENERAL MILITARY DIVISION OF THE MISSOURI,
Chicago, Illinois.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Illinois, September 23, 1870.

Official copy respectfully furnished Colonel James A. Hardie, inspector general Military Division of the Missouri, by command of General Sheridan.

GEORGE L. HARTSUFF,
Assistant Adjutant General.

Accompanying these instructions were copies of an act of Congress of July 15, 1870, directing an investigation into the subject-matter of this report, and of a report of the Senate Committee on Territories, dated on the 9th day of February last. The text of these papers is as follows:

[PUBLIC, No. 183.]

Act making appropriations for sundry civil expenses of the Government, and for other purposes.

[Extract.]

* * * * *

SECTION 10. That the Secretary of War be, and he is hereby, authorized and required to ascertain, or cause to be ascertained, the amount or expense necessarily incurred by the territorial authorities of Montana for arms and supplies of the volunteer forces called out to suppress Indian hostilities in the Territory of Montana in the year 1867, and to report to Congress at the next session the names of persons entitled to relief, together with a statement of the facts and sums upon which such report may be based.

Approved July 15, 1870.

Report of the Committee on Territories of the Senate, February 9, 1870.

The Committee on Territories, having had under consideration the bill to provide for "the settlement and payment of expenses incurred by the territorial authorities of Montana, for troops during the year 1867," submit the following report:

It appears from the papers and the evidence of Colonel Lewis taken in this case, that in May, 1867, the authorities and people of Montana generally became greatly alarmed from an apprehension that they were about to be attacked by hostile Indians.

General Sherman, in his reply to a call from the War Department for information upon the subject of this claim, says that the governor and civil authorities of Montana became stampeded, and made such reports that Major Lewis was sent there by General Augur to inquire into the condition of affairs generally, and to judge of the necessity for troops either to be sent there or mustered in as volunteers for a limited period.

Arriving in Montana, he found that Acting Governor Meagher had already issued his proclamation ordering out troops, and was then organizing and sending them into the field, and had entered into contracts for supplies.

The testimony in the case seems to disclose the fact that the civil authorities, under the inspiration of a sort of panic, acted hastily and injudiciously. The only ground for the panic proves to have been the killing by the Indians of a man named Bozeman, and wounding another, some one hundred and sixty miles from the principal settlements. Speaking of this affair, General Sherman, in his annual report for October 1, 1867, says.

"The Secretary authorized me, under advice of extreme caution, to call out volunteers for the emergency if the Regular troops were inadequate. Under date of May 14, 1867, I telegraphed to Acting Governor Meagher that re-enforcements were coming as fast as possible, but if the danger was as great as he had represented, to, 'call out in your interest the people and clear the way;' adding, 'there is no law authorizing the enrolling of troops in a Territory subject to the governor; but you should meet the emergency without a formal organization and muster into service of the United States, confining yourself to self-protection.' Governor Meagher had already called out volunteers, and subsequently asked me for arms and equipments, and to be mustered in. This I emphatically refused in a dispatch of the 9th of May, but instructed General Augur to order from his nearest post, viz, Salt Lake City, a discreet officer, to go to Virginia City, Montana, and to judge of the necessity of a call for volunteers. General Augur dispatched that most judicious officer, Major and Brevet Lieutenant Colonel William H. Lewis, Thirty-sixth Infantry, who reached Virginia City about May 19, 1867, and, after remaining there a month, confirmed me in the belief that Gallatin Valley had not been invaded by hostile Indians at all; but that the murder of a Mr. Bozeman, more than sixty miles beyond Gallatin, in the direction of Fort C. F. Smith, was the only real act of hostility that he could hear of that had been committed in that quarter. I then recalled Brevet Lieutenant Colonel Lewis, and left the whole

matter to General Terry, in whose department Montana was, and who was then known to be *en route* for that Territory. For the further consideration of this matter, I refer to General Terry's report herewith, and only allude to it here to show that the United States are not in any measure responsible for the call for volunteers in Montana, which Acting Governor Meagher made, in spite of the decision to the contrary by the rightful Department of Government; and because I also learn that since the arrival there of Governor Green Clay Smith, he also has retained in service these volunteers, and has also brought about a conflict with the Crows and other Indians outside of the settled limits of the Territory, when he knew that the Government desired very much to retain peaceful relations between them."

On being informed of the supposed imminency of Indian hostilities in Montana Territory, General Sherman, then at St. Louis, sent to General Augur, then stationed at Omaha, the following telegraphic dispatch:

"SAINT LOUIS, MISSOURI, May 24, 1867.

"Colonel W. H. LEWIS, *Virginia City, Montana Territory*:

"Muster in a battalion of eight hundred men at once, at the cost of the United States, for three months. Equip them as best you can till the arms *en route* reach Fort Benton. Move quickly to the threatened point, when the danger will either disappear or be removed. Let the men furnish their own horses and arms at forty cents per day, and be rationed by contract. When the service is rendered, I will order payment by the regular paymaster.

"W. T. SHERMAN,
"Lieutenant General, Commanding."

It is plain that this telegraphic order, although positive in its terms, was merely intended as provisional, and not to be carried out unless the officer charged with its execution should be of opinion that there was an emergency requiring its execution. General Augur, it seems, placed it in the hands of Colonel Lewis, whom he dispatched to Virginia City, with such instructions as are above set forth in General Sherman's annual report, which required him, before raising troops, to satisfy himself of the actual danger of Indian hostilities.

In his note to the Adjutant General, of November 14, 1867, General Sherman says:

"I have the honor to acknowledge the receipt of the communication of A. Sands, dated New York, October 28, 1867, asking whether the United States Government recognizes commissary and quartermaster's vouchers, for supplies obtained for the Montana Territory militia, referred by you for report, and to state in reply that the troops mustered into service in Montana by Acting Governor Meagher were not in the service of the United States.

"He had no authority from me, but such authority was emphatically withheld. These so-called troops were never mustered into the service of the United States, and no department of the Government is liable for the debts created, or the vouchers issued. The subject is covered in my annual report of the 1st of October.

"I am, sir, very respectfully, your obedient servant,

"W. T. SHERMAN,
"Lieutenant General, Commanding."

Colonel Lewis testified before the committee as follows:

"I was directed by General Augur, in command of the Department of the Platte under General Sherman, to proceed to Montana and inquire into the condition of affairs there, and in case of necessity to muster in volunteers. In pursuance of these orders I proceeded to Montana Territory.

"*Question.* There is among the papers of this case a telegram purporting to be a dispatch sent to you by General Sherman, under date of May 24, 1867. I ask you to look at that dispatch and say if you recognize it as a copy of a dispatch received by you from General Sherman; and if so, state, if anything, what you did subsequently to the receipt of that dispatch.

"*Answer.* I received a dispatch of that purport dated May 24, as well as I recollect, authorizing me to raise a battalion of eight hundred volunteers, if necessary; to furnish themselves with horses and arms at a cost to the Government of forty cents a day. I replied to the dispatch that I could not raise men on those terms; that they would not consent to furnish horses and arms at forty cents a day.

"*Question.* State whether you made any report to General Sherman or General Augur in which you indicated the necessity for the presence of troops there.

"*Answer.* I did. I reported that I believed troops should be mustered in, and it was my intention to muster in a battalion of not to exceed four hundred men. That report was based upon the fact that I had received information, before I reached there, that an Indian campaign was to take place by troops going north from Platte River.

I believed they would force the Indians into Gallatin Valley, and that troops would be necessary to protect the settlers in that valley. The event proved that no such raid was made. I had information, however, that such a raid was to be made, and believing the effect would be as I stated, I reported that troops would be necessary.

Question. Where did you receive the dispatch of General Sherman referred to?

Answer. At Virginia City, and I answered it from that point. Several dispatches passed between General Sherman, General Augur, and myself. I recommended that in case no volunteers were accepted, the regular forces which were then at the mouth of Judith River, on the Missouri, should be moved up into Gallatin Valley. General Sherman replied that the troops I referred to could not be spared at that time; that they were wanted to protect the river road, but that I might communicate with Major Clinton, in command of the troops named, and if, in his opinion, any portion of them could be spared, he had authority to forward them. I wrote to Major Clinton to that effect. I did not receive any answer to my communication while I was at Virginia City. I subsequently got the answer, after I reached Salt Lake City, stating that he could not spare any troops. Finally, I received a telegram from General Sherman asking me what depredations actually had been committed. I could not learn, at that time, that more than one murder had been committed. I learned that a man by the name of Bozeman, who, with another man, was coming from Fort C. F. Smith to Gallatin Valley, was attacked by the Indians; Bozeman was killed and the other man wounded. General Sherman then replied that if there were no other actual depredations, he did not think it was necessary to send troops, and as that was the only murder I knew having been committed at that time, and the only depredation I was aware of the Indians having committed there, I returned to my post and did not muster in any troops.

Question. State whether your failure to muster in troops was not in consequence of the dispatch received by you from General Sherman?

Answer. Yes; I should have mustered in a battalion of not to exceed four hundred men but for that dispatch. As before stated, I believed there was to be an Indian campaign which would drive the Indians out of the Platte Valley, and that they would overrun Gallatin Valley, rendering a force there necessary for the protection of the settlers.

Question. Did you have any conference with the territorial authorities as to what you had done?

Answer. I did; I communicated to Governor Meagher what was done; before I arrived there Governor Meagher had called out troops and sent them to the mountain passes toward the Yellowstone.

Question. At the time you left Montana and returned to Salt Lake City, did you communicate to the territorial authorities any disapproval of what they had done?

Answer. I was not called upon to approve or disapprove anything they had done. I had nothing to do with the territorial authorities, or what they had done."

It appears, then, that none of the troops in question were ever mustered into the service of the United States, and that in reality there was no necessity whatever for calling them out. A single homicide had been committed, or is supposed to have been committed, by the Indians upon a man by the name of Bozeman, whose companion was also wounded by them. Whether these persons gave any provocation for their violence seems entirely unknown; there is no proof whatever before the committee of any of the surrounding circumstances. Nor does it appear that the governor of Montana, or any of its constituted authorities, made any inquiry into the circumstances of this alleged murder, or any effort to ascertain how far the Indian tribe to which the suspected murderer or murderers belonged sympathized in the act, or whether they were preparing for war, or were intending any further violence. For aught we know, or for aught they seemed to have known, the homicide may have been the result of provocation or insult on the part of Bozeman or his companion, or some sudden excitement which often, in more civilized regions, leads to such sad results.

And your committee submit that, without evidence of the reality and magnitude of the danger, (evidence satisfactory to men of ordinary prudence or self-command,) it would be setting an unsafe precedent in regard to territorial governments to recognize the liability of the United States for such military services. Doubtless the Government is, as a general rule, bound to protect the people of a Territory from Indian hostilities. But in the present case there were none worthy of the name, and no reasonable occasion for calling out the militia of Montana. The constituted authorities were bound to make a careful inquiry as to the necessity of so important a step. It might easily have led to an extensive and costly Indian war, involving the loss of thousands of lives and millions of treasure. Instead of performing this obvious duty, they seem, in the language of General Sherman, to have been "stampeded"—frightened out of their propriety—when by a moment of self-possessed and calm inquiry, that could have harmed no one, the panic would have been quieted, and the occasion for troops would have vanished from their imagination.

The committee do not refer to the services of the men called out by the territorial

authorities, but only to the expense of arms and supplies. These seem to have been furnished by persons in good faith, and without knowledge of the want of authority to call out the militia, and the committee recommend compensation for them.

They think it would not be doing exact equity to such persons to withhold from them a reasonable indemnity for property thus furnished under what they undoubtedly presumed to be competent authority.

They therefore herewith present a bill for that purpose.

* * * * *

With these instructions were copies of the correspondence between the Secretary of War, Lieutenant General Sherman, and the territorial authorities referred to in the Senate report, and other papers, being chiefly letters of inquiry from claimants or holders of vouchers seeking payment of the claims, and reiterated reports from various Bureaus of the War Department disclaiming any knowledge of Government responsibility for the indebtedness incurred by the territorial authorities, and alleging the absence of authority or means to settle the claims, if any such responsibility existed. There were also sundry reports of interest from military officers on the spot relating to these transactions. Vouchers only to a trifling amount, however, were among these papers, claimants generally having retained them.

Upon due examination and consideration of the instructions, the law, and the congressional report referred to, and upon learning that the probably material papers on which the congressional action taken was grounded could not be obtained till the assembling of Congress, I determined to proceed to Montana and there pursue the investigation intrusted to me by the War Department.

It is, perhaps, proper to state here that I from the first assumed that the questions of the necessity of calling out the troops, and of the authority for so doing, were not within the scope of my inquiry, and any information on those points gained or furnished by me is but incidental and illustrative of the main questions herein discussed, especially the question of recognizing as strictly valid certain contracts which it has been alleged are entitled to settlement according to the law of contracts, rather than upon the equitable basis adopted for the ordinary class of claims.

I would also state that I did not regard my instructions, or the law and the congressional report, as designed to exclude, under the restrictive terms "personal services" and "supplies," those claims arising out of the services rendered by civilians employed to perform the necessary and usual duties and labors of the supply branches of the army. These claims, using the term supplies in its broader sense, are believed to fall within the purview of the law, and, in any event, whatever arguments may be advanced in favor of the other claims are as fully applicable to this class. The teamsters, blacksmiths, and laborers employed by the territorial quartermasters and commissaries, had as much reason for believing in the ample authority of those officers to employ them in the national service as the parties who accepted the vouchers of those officers for forage and provisions supplied to the militia force. But whether or not this view of the case shall be sustained by higher authority, there could be no doubt of the propriety of receiving such claims and examining into their merits, upon the express understanding that such action did not commit the Government to their recognition and payment, as such a course might save the trouble and expenses of a future separate inquiry.

Arriving in Montana, I spent several weeks at different points making personal inquiry, frequently upon oath, into the general circumstances attendant upon the supplying of the troops called out; the manner in which the supplies were obtained; what resources and credit were at the command of the Territory to equip and maintain the troops by the purchase of the needed supplies; what amount of available supplies were on hand at the centers of trade to meet the sudden demand; what the current market rates were for such articles as were purchased, and what advance in prices to private purchasers took place as the result of the purchases on account of the militia; what constituted a fair difference between current cash rates and those based upon the contingency of payment by vouchers that could not be immediately converted into money without deduction; what the business character, extent of trade and furnishing capacity in capital, stock, and control of goods was, with respect to the various parties claiming to have furnished supplies; what quantities and qualities of supplies were actually furnished, as distinct from the quantities and prices exhibited in the vouchers and accounts; what amounts were actually issued to the troops, or used in good faith for public military purposes; what disposition was made of any not issued or used; what remained to be turned over to the United States upon assumption of the indebtedness by them; what kind and degree of responsibility was maintained by and between the territorial officers charged with the organization and maintenance of the troops in regard to purchasing, keeping, issuing, and supervising till final use or consumption, the supplies collected; and what particular persons had furnished supplies, and what amounts had been actually delivered by them to the territorial officers. Inquiry was likewise made into the organization of the staff departments and the militia force, and into the strength of the latter, taking the average for the whole

period of service, as well as the distance of the separate detachments from each other and from their bases of supply.

The foregoing information was partially obtained in Montana, Colorado, and Kansas, and partially here in Chicago, whence, with the approval of the War Department, I published the following notice in the leading journals throughout the country:

“HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
“INSPECTOR GENERAL’S OFFICE,
“Chicago, Ill., November 10, 1870.

“SIR: The examination of the Montana Indian war-claims of 1867, under the provisions of a recent act of Congress, is now in progress at my office in this city. All parties interested in the same, who have not already appeared, are desired to present their claims or vouchers, with such proof in their support as they may have to submit, either in person or by attorney, without delay.

“JAMES A. HARDIE,
“Inspector General United States Army.”

The desired information, so far as I have obtained it, has been gleaned from sworn examinations and oral and written statements of the then staff officers who organized and supplied the troops, or rather such of them as I have succeeded in finding, or as have answered my summons; from civilians employed in the supply departments, or who had done work for those departments; from persons alleged to have furnished supplies, their business associates and employes; from other business men of good repute; from residents of Helena, Virginia City, and other points where troops were raised or stationed, supplies purchased or issued, or services rendered; from account and memorandum books kept by territorial officers, and such accounts, returns, and reports as were found, all of which are in my possession; from the books and papers of the claimants and other dealers; and from the newspaper prices current, as published at the time.

My investigation has been long, patient, and thorough, and I am thus particular in setting forth minutely, as just done, the extent of my inquiries and the source of my information, in the hope of inspiring both the Department and the claimants with the belief that public and private interests have been impartially and fully regarded, and that the conclusions reached and the statements made are as just and reliable as is now practicable.

As the investigation progressed, I became convinced that the better course to pursue, with regard to the expected report, would be, first to ascertain, by a careful yet not exhaustive examination of each claim, what amount would be sufficient to pay all that could be proved, at fair rates, and report that sum in gross, accompanied by such a statement of facts as would show, irrespective of the parties furnishing them, what quantities and kinds of supplies were furnished; what would be a fair price, considering all special circumstances, for the average article of each kind of importance; what became of the property; what excessive issues were made to the troops, and how far they should be admitted; and other facts pertinent to the subject. It appeared to me that this would embrace all the material information required as a basis for an appropriation to settle the claims, and that after it was laid before Congress, I could, pending its consideration of the general report, proceed with more leisure (necessary, but not heretofore attainable) to examine into each claim, increasing or decreasing, perhaps, to some extent, my first determination of the quantities furnished, and allowing or rather advising the allowance of higher or lower prices than the general average, according as the supplies furnished are shown to have been above or below the usual quality in particular instances, or according to the market standard of value at the time of purchase. Such deliberate reconsideration is especially desirable in connection with the claims for horses, forage, subsistence, clothing, arms, horse-equipments, &c. Finding, upon inquiry, that my views were concurred in by the Department, I have proceeded to their execution.

On the 24th of April, 1867, the acting governor, (Meagher,) yielding to the mainly genuine but not well-founded alarm of the settlers, called for six hundred volunteers for three months’ service in the Gallatin Valley and on the Yellowstone River, and appointed sundry recruiting officers to enlist and command the troops, and various staff officers to organize and supply the force. From this time to the early part of July, it is not certainly known, with the want of regular muster-rolls for that period and from the unreliability of the ration returns, how many men were actually in the service, but it is calculated that there were not more than eighty men at the end of April. During May there were probably 150, and from that time until the middle of July the number probably was about 250. During this period there were in service an average of fifty line and staff officers, among the upper grades of whom there was a disproportionate degree of rank. This number includes only those who performed the service. The acting governor’s call of the 24th of April is addressed to the patriotic feelings of the

community, to arouse them to come to the relief of their brethren in the Gallatin Valley, seeing that the Federal authorities had not listened to their calls for help. Upon the spur of the moment volunteers came forward; but, as merchants and others, finding little prospect of payment by the Federal authorities, and knowing the Territory could not pay, were unwilling to furnish supplies in sufficient quantities, some who had enlisted became discouraged and left, and recruiting was slack under the discouragement.

During the month of May, and especially toward its close, the correspondence between the governor, the Lieutenant General, and the War Department, officially described in the report of the Senate Committee on Territories, was assumed to exhibit the facts of the recognition on the part of the United States of the call for militia, and of an engagement to pay the necessary expenses incurred therefor. As the community became satisfied that such was the case, those having supplies became less reluctant to sell. Some came forward and took large contracts, and others sold in considerable quantities to the purchasing departments, and recruiting became more brisk. About the middle of July, Governor Green Clay Smith arrived at the capital, and thereupon reorganized the troops, giving them a regimental organization. At the end of July the numbers reported present and absent were 32 officers and 481 men; aggregate, 513.

As the term of service of these three months' volunteers was about expiring, the men manifested great anxiety to be re-enlisted for a period to embrace the coming autumn and winter. The settlers had recovered from their alarm and naturally encouraged the plan, and the governor, apparently convinced that the troubles threatening the settlement of the Territory by Indian invasion had not been brought to a termination, issued a proclamation on the 31st of July, calling for the service of 800 men for six months from the 1st of August, and inviting the old force to re-enlist. They did so, and at the end of August there were 32 officers and 409 men reported; an aggregate of 441. At the end of September there were 32 and 391 men; an aggregate of 423.

For the supply of this force enlarged preparations became necessary.

The constant refusal of the department commander to recognize this military force and the necessity for its existence, notwithstanding the appeals of the governor, finally induced the latter to issue orders for its disbandment in the latter part of September. The property on the Yellowstone that could not be readily transported and that had not been stolen or lost, was abandoned, and the companies were marched to Virginia City and Helena, and there mustered out early in October.

Major Lewis, the regular officer sent by the military commander to Montana to inquire into the necessity for volunteers, and to muster them into the United States service, if needed, made what seems to have been a careful estimate of the cost of equipping and supporting a battalion of 400 troops for six months, and placed the amount at about \$414,000; but his estimates were admittedly liberal, so as to insure the covering of all possible expenses, and the number of men contemplated by him were not in service for the time named. It would, I think, be a liberal estimate to put the number of men, reduced to a six months' term, at 250, and \$258,750 would be a full estimate of their expense, if the usual customs and economies of the Government service had been observed. But there were no United States officers empowered or present to supervise the organization and supplying of the troops, and the territorial militia officers, even if they had the knowledge and experience, had not the customary incentive of national officers to keep down the expenses. It is but justice to the governor, however, to state that by the issuance of suitable orders and instructions, similar to those promulgated in the United States service, efforts were made to impress upon officers and men the propriety and necessity of an economical use of the supplies, care for their preservation, and responsibility for the return in good order of the horses, arms, and property at the end.

It is here fitting to remark that I have not regarded the terms of the law which provide for an ascertainment of the expenses "necessarily incurred," as intended to exclude from consideration and ultimate settlement claims for supplies that are not embraced in the Army Regulations, and that perhaps were not actually necessary. Such a procedure would not, in my judgment, accord with the spirit and intent of the law, which, interpreted in part by the report of the Senate Committee on Territories, is clearly designed to afford relief to all who furnished supplies in good faith. Reasoning from the analogies of the case, it was the duty of the territorial officers to decide upon what supplies were necessary, and to see that no unnecessary expenses were incurred; and, were the present question one of fixing the responsibility or settling the accounts of those officers, I should feel little hesitation in applying the restrictive term of the law above quoted. But, as it is, it is believed to be the duty of the examiner under the law to inquire into and recognize all claims where supplies were furnished and services rendered in good faith, and in a belief that the purchasing officers had valid authority for their acts. Confidently expecting to be sustained by the Department in this position, I refrain from further remark upon it.

A question here to be considered is the extent and relief to be afforded to certain parties who entered into contracts for the furnishing of supplies with the territorial

authorities, and who now set up their good faith, the widely prevalent belief in the authority of the officers with whom they contracted, and the legal obligation of contracts, as reasons why they should be paid according to the terms of their contracts, irrespective of any question of fair market prices for the supplies they delivered. I have not been able to perceive that these claimants are entitled to stand in any better position than those from whom supplies were bought in open market. The contracting officers, it is certain, had no power to bind the United States in the manner alleged, nor is the National Government liable before the law, it is contended, for any expenses incurred in the calling out of these troops. The relief now to be extended is an act of grace on the part of the United States, a measure of equity only, and there seems to be no obligation to observe the letter of the law, when the spirit itself never existed. The reclamations of such contractors should be against the Territory of Montana, whose officers made the contracts.

The machinery employed in the procurement and issue of supplies consisted of a quartermaster and commissary general at the capital of the Territory, a purchasing quartermaster and commissary at Helena, the commercial center, and a quartermaster and a commissary with the troops in the field, to issue supplies, and purchase such needed articles as were obtainable in the vicinity of the camps. Vouchers were at first issued both by the quartermaster general at Virginia City and his assistant at Helena, for their respective purchases, but subsequently, to simplify accounts and enforce a better responsibility, the vouchers issued by the assistant were called in and replaced, as far as possible, by vouchers issued by the quartermaster general, who gave receipts to the assistant for the property, relieving him of responsibility, and concentrating it in himself. In a short time this quartermaster general was relieved of his commissary duties, and a separate commissary general appointed. Efforts were made to preserve an appearance of conformity to the military regulations concerning property and accounts, and considerable clerical labor was employed in this behalf, yet the accounts and returns are both insufficient and unreliable, and, for reasons to become apparent, it is to be regretted that any knowledge of the Army Regulations was possessed by these officers, for it is probable that, had the case been otherwise, the accounts kept and vouchers issued, though informal, would have been much simpler and far more trustworthy in the way of representing facts.

The total amount of the claims under consideration is \$980,313.11. Of the above, \$777,781.13 was for purchases and expenses incurred by officers of the Quartermaster's Department, and \$202,531.98 for purchases and expenses of the subsistence department. This includes claims for recruiting, mounting, arming, equipping, subsisting the troops, transporting supplies, rents, and other expenses incidental to organizing, setting in motion, maintaining, and disbanding a military force. Vouchers were issued for all but a few hundred dollars of these claims, and nearly all have been seen by myself. Of those not seen, some have been lost or destroyed by various casualties during the three years elapsing between their issue and this investigation; some have not been presented, through ignorance of the investigation, despite the pains taken to publish it all over the country, and some have been purposely withheld in expectation that the particular interests concerned in them would be carried along with those of the claimants who have gone to the trouble and expense of presenting their vouchers, or making their cases, without the necessity of exertion on their part. But as more or less have been from time to time received since the investigation commenced, there is a reasonable prospect that all in existence may yet come in.

There are various defects and irregularities in these vouchers which go to invalidate their right to be regarded as conclusive or even *prima facie* evidence of the transactions they profess to represent. The prices of nearly all are exceptionable; some set forth larger quantities of articles as sold than were actually delivered. Others purport to record transactions that never took place at all; that is to say, no equivalent was rendered by the alleged creditor for the sum to be paid. The pretext will be stated further on. Some, again, attempt to create an indebtedness for articles or services recognized by the Army Regulations, which were not furnished in kind, other articles and kinds of services not embraced in the regulations being the real objects supplied. Not all these irregularities are necessarily fraudulent or fatal; for, as at the time of the supposed emergency, the Territory was not prepared to furnish, either from public stores or private trading establishments, the regular equipment or agencies of supply for a military force, the authorities were justified, if they had any justification to equip and organize a force at all in equipping it with the best material, and supporting it by the readiest means at hand, till better could be provided, so long as no more than the lowest prices obtainable were paid. A desire to facilitate collection of the amounts from the United States by presenting accounts, such as the military bureaus are accustomed to receive and pay, and thus avoid inquiry into the necessity for unusual articles, suggests itself as the only reason why a person furnishing meals to a party of recruits should receive in payment a voucher for forage or fresh beef not really furnished. The case becomes different when cash was raised on vouchers for

property never delivered, to re-imburse expenditures alleged to have been made, of which there is no account beyond a few fugitive receipts for inconsiderable amounts or when property of one denomination was paid for by a voucher for property of another; the former, though received, not being accounted for, and the latter accounted on the papers as being consumed in service, though never received. Some illustrations of these transactions which have been revealed by this examination will appear further on.

The following is a statement more in detail of the nature and value of the supplies and services charged:

Fuel:		
Pine wood	\$2,985 00	
Bituminous coal	675 00	
		<u>\$3,660 00</u>
Forage:		
Barley	125,301 85	
Oats	46,270 69	
Hay	40,004 78	
		<u>201,577 32</u>
Stationery:		
Books, blanks, paper, and advertisements		7,122 43
Office furniture		101 00
Means of transportation:		
Horses	170,790 50	
Mules	21,124 00	
Wagons, harness, &c	6,522 00	
Hire of teams and pack animals	114,066 00	
Transportation of supplies (ordnance) and ferriage	27,093 50	
		<u>339,596 00</u>
Miscellaneous:		
Tools, equipage, &c		29,021 56
Clothing		83,673 94
Arms, ammunition, &c.:		
Arms	13,242 50	
Ammunition	5,158 39	
Horse equipments and accouterments for troops	43,994 25	
		<u>62,395 14</u>
Building:		
For magazine		325 00
Subsistence stores		201,235 93
Medical stores		3,502 31
Rent of buildings for offices, warehouses, and quarters		11,733 99
Hire of civil employés, clerks, teamsters, herders, wagon-masters, mechanics, &c.		34,156 83
Hire of medical services charged to Quartermaster's Department		2,211 66
		<u>980,313 11</u>
Grand total		<u>980,313 11</u>

I now present an exhibit of the prices charged for the leading articles supplied, and contrast them with the current market rates for such articles as shown by the commercial quotations of the leading journals of the day in Montana, and other data obtained from reliable sources. The circulating medium in the Territory was gold-dust, the value of which differed according to its quality, but as an average valuation it may be stated that one dollar in gold-dust was worth from fifteen to twenty-five cents more than a legal-tender dollar. In the ensuing list the prices have been reduced to a green-back standard:

Articles.	Prices charged.	Prices at which the purchases could have been made.
Wood	\$16 to \$20	\$6.25 to \$7.50 per cord.
Hay	\$45 to \$65	\$30 to \$35 per ton.
Oats	14½ cents per pound.....	8 to 11 cents per pound.
Barley	14½ cents per pound.....	8 to 11 cents per pound.
Horses	Average, \$201.....	{ General average of total, \$80. { (See special discussion.)
Mules	\$200 to \$250	40 per cent. less.
Flour	18 to 19 cents per pound..	10 to 12 cents per pound.
Beef	28 to 30 cents per pound..	20 to 22 cents per pound.
Bacon	50 to 80 cents per pound..	27 to 35 cents per pound.
Sugar	60 to 78 cents per pound..	32 to 35 cents per pound.
Coffee	80 cents per pound.....	37½ to 44 cents per pound.
Tea	\$2 to \$4.50.....	{ Green, \$2.50 to \$2.81 per pound. { Black, \$1.57½ to \$2.18 per pound.
Clothing	Overcharged from 25 to 40 per cent.	
Arms	Overcharged from 30 to 40 per cent.	
Saddles and equip- ments	Overcharged from 30 to 40 per cent.	
Medicines	Overcharged from 40 to 60 per cent.	
Hardware	Overcharged from 30 to 40 per cent.	

The risk of lengthened delay in payments at a time when business was done on a cash basis, and the currency was gold, and when money was worth all the way up to 5 per cent. per month, is set up by merchants and others as sufficiently accounting for charges otherwise appearing extravagant. The distance of the Territory from its eastern sources of supply, the long and expensive lines of water and land transportation at that period, the railroad not then being finished beyond the limits of Nebraska, the limited amount of certain commodities in the Territory, whence it would happen a sudden and large demand would swell rates out of all proportion to their ordinary current, are all set up as accounting for, and, to a certain degree, not unfairly, the large prices set on almost everything furnished.

Using the ample knowledge obtained by me during this investigation, concerning the circumstances, the transactions, and the parties, I am induced to venture the statement that, after making suitable yet reasonable deductions from the several claims, on account of fictitious vouchers where no property of any kind was delivered, overstated deliveries without fraudulent collusion between parties, suspected transactions which may fail of establishment to an extent justifying payment in full, and exorbitant charges, the sum of \$513,343.10 will discharge all the equitable obligations that the United States has seen fit to assume, and an appropriation to that amount is recommended, though possibly a somewhat smaller sum may suffice in the end to pay, at fair and reasonable rates, for all supplies whose delivery, in good faith, to the territorial authorities for the use of the troops, is reasonably established.

The vouchers issued by the territorial officers being regarded as Government certificates of indebtedness for accounts liquidated by them and not subject to revision, were circulated throughout the Territory at the time and since, and, in fact, most of them have passed outside the Territory in settlement of various transactions and at various rates. Though the assignment and transfer of these vouchers do not appear to be illegal, their non-recognition by the United States, and the repudiation by the national authorities of the transactions they represent, deprive them of any value as *prima facie* evidence of any indebtedness of the Government to their holders; and the question arose as to the *status* of the original claimants and the present holders of the vouchers, with regard to the distribution of the sums to be paid. For the present, I have recognized holders as claimants, with a view of reporting their interests in the vouchers, so that the proper authorities may at the proper time pass upon their asserted right to receive upon the vouchers such sums as may be paid for the quantities delivered, or services rendered, at the equitable prices fixed by the examiner or other United States authorities.

The heavier items of expenditure are for means of transportation. (including horses for the troops, and hire of teams, &c.,) forage, subsistence, clothing, ordnance and ordnance stores, (including arms and ammunition,) horse equipments, &c., and hire of employés.

Means of transportation—horses.—The number of horses claimed to have been delivered was 848. These horses were used for mounting officers and men and civilian em-

ployés. I am satisfied that nearly all of them were delivered. The evidence as to the value of this stock is conflicting. Undoubtedly the market price for horses was enhanced by the prospect of a call for a considerable number of them; but the testimony collected discloses great variety in the quality of the stock and antagonistic estimates of its value. Some were good, well-broken American half-breed horses, but of these the number was not large; the remainder were Indian ponies of various grades and value, many of them being wild, unbroken, and unshod. Indeed, the breaking of horses was the frequent cause of detention in mounting and sending forward recruits.

Most of the stock was bought at from \$200 to \$225, at currency rates, to be paid for in vouchers; and, at the close of the expedition, such as were left were appraised at \$41 each to the men, and those that were sold did not bring \$20 each, in gold. They were, of course, more or less worn down by campaigning, and the market was then naturally depressed. As it is necessary that some standard of value be fixed, it has been determined to deduce one in the light of all the evidence and information obtained on the subject. It is, then, desired to reach the probable value of the average horse, of all the bands and individual animals purchased. It is left to individual claimants to prove the value of their particular stock in adjusting their claims.

The United States Quartermaster's Department purchased horses in Montana, that same season, for \$120 each, and, being a favored customer, got a higher grade of the same classes of horses alleged to have been furnished by claimants, that is, American half-breeds. This suggests the question, whether, as there was no prospect of immediate payment, the price allowed for the militia horses should not, at least, be equal to that paid by the United States. But it is undeniable that the territorial horses were far inferior, the inspection not being rigid like that of the Government, and that all sorts of animals were received, some indeed of insignificant value. The advertisement calling for the horses in fact indicates a lower grade of animals than the United States would receive. Taking the horses furnished as fairly ranging in real value from \$40 to \$120, \$80 becomes the standard price. Multiplying this amount by the number of horses furnished, we get the total sum which the United States should justly pay on this account.

Hire of transportation.—Ten four-mule teams, fifty-five six-mule teams, five two-mule teams, two four-horse teams, two six-horse teams, and fifty pack-mules, it appears, were hired for various periods by the Quartermaster's Department; the heavier teams continuously. This is an average of thirty-five six-mule teams and twenty pack-mules, in constant use for five months, in addition to ninety-seven mules, nine wagons, equivalent to nine six-mule teams and forty-three pack-mules, purchased for the use of the expedition.

In view of the fact that the number of officers and men was hardly in excess of five hundred at its highest limit, and that the number of civilians to be supplied was under seventy, and that the average for the whole period of service was not much over two hundred and fifty, some of whom were not at what was called the front, the Yellowstone, it is difficult to avoid the conclusion that there was want of economy and of judgment in the employment for so continuous a length of time of so much of this class of material.

It is, however, to be said that had the command to be supplied been considerably larger, no additional means of transportation would have been required. The centers of supply, as we have seen, were Helena and Virginia City, distant from each other about one hundred and twenty miles. The principal settlement in the Gallatin Valley is the town of Bozeman, distant from Helena about one hundred miles, and from Virginia City about sixty miles. Bozeman was the point where the troops entered to protect the Gallatin Valley. The troops were stationed latterly on the Yellowstone, about thirty miles from Bozeman, to the east of the range of mountains, the passes through which to the Gallatin Valley they were ostensibly to defend. One company of troops was sent to the mouth of the Mussleshell, in August, a distance of over two hundred miles from Helena. A detachment was sent with supplies from the Gallatin Valley to Fort C. F. Smith, a distance of over two hundred miles. Small scattering parties were frequently sent out; detachments were constantly passing to and from the camp on the Yellowstone; bodies of recruits were raised in the Salmon River country, in Idaho, and in various places in the Territory of Montana. Between the various points stated mountain ranges, or spurs, had to be crossed, and heavy loads frequently could not be taken. On the Yellowstone a fort was constructed, and several log buildings erected, and a stockade, requiring the use of considerable transportation in hauling logs. Thus there was much hauling and journeying of teams and stock; and so the demand for transportation service was considerably more than would at first appear necessary.

The rates of pay charged are deemed too high for a continued engagement, and in the settlement with individuals must be reduced. The means of transportation furnished by contractors and others were of a good character, and there is but little reason to doubt that nearly all the teaming charged for was

actually furnished. Of the amount charged under this head, \$24,725.76 is for transportation of the territorial quota of small-arms, artillery, and ammunition delivered to the Territory by the General Government, from Sun River, near Fort Benton, to the capital, a distance of somewhere near two hundred and twenty miles. As this ordnance property, has been delivered within the limits of the Territory to a territorial agent, at the expense of the United States, it is hardly considered just that the United States should be chargeable with after freight. Besides, the charge of sixteen cents per pound freight is extravagant.

Forage.—Amount represented as having been purchased and delivered: 244,633 pounds of oats; 818,370 pounds of barley; 1,122,875 pounds of hay.

The evidence of deliveries of forage is less positive and reliable than that with regard to most of the other supplies. No books or accounts have been obtained from which deliveries from time to time can be definitely ascertained, nor were such accounts for the most part kept even. In the absence of this kind of evidence, which, if in existence, indeed, might not be reliable, no available testimony could be supplied from any other source beyond that furnished by the books and accounts of the territorial quartermaster general. This officer, and the territorial commissary general, as already stated, took up the purchases made by their assistants in Helena and elsewhere as made by themselves, accounted for the property by the receipts of their subordinate officers, and thus became responsible for transactions had through these latter. Transactions of the principal officers themselves at Virginia City are accounted for in detail. The assistant quartermaster and commissary with the troops on the Yellowstone received and issued a large amount of property, itemizing deliveries of the same as having been issued to troops or otherwise disposed of.

It does not appear that the assistant quartermaster and commissary general at Helena did the same thing, so far as the quartermaster's department was concerned. His testimony is general concerning the fact that the quartermaster's property went into the public use, and inquiry has satisfied me in confirming his statements with regard to a certain and considerable portion of his purchases. The books and accounts of the territorial officers I found unreliable, in many particulars, and especially with regard to transactions in forage. Thus it becomes impossible to specify precisely what deliveries were actually made; nor could a return be constructed from the *data* in my possession, or existing anywhere, which would show how much forage was actually received, and how much was actually consumed in an authorized way by the public animals. The Army Regulations were taken in these, as in other transactions, as a rule by which property should be acquired, disposed of, and accounted for, and papers and returns were made out in a manner intended to appear satisfactory to the United States authorities with reference to proper accountability. Without the resource, then, of any complete reliable record testimony in connection with the deliveries of forage, I am prepared to say, from general examination on the spot, and a rather thorough knowledge of the transactions of the parties concerned, that considerably more than one-half claimed has been furnished. Of the \$201,577.32½, the indebtedness alleged to have been incurred on account of forage actually delivered, it has been discovered beyond question that an amount for which \$42,458.94 is charged has never been furnished. Vouchers have been issued for this amount, and have been disposed of, and are now in the hands of various parties throughout the country. The territorial officers issuing the vouchers explain this by stating that there were various personal expenses to which they were subjected, purchases made, and money disbursed on account of the Territory; and that these vouchers were issued in indemnity of such expenses and disbursements; that the public animals being fed principally on grass during this period, could not consume the whole of the regulation forage, and a margin was thus presented on which accounts of this class could be placed. The parties represented to have furnished this amount of forage appear to have consented to this arrangement, though in their personal testimony (and all original claimants were examined under oath whenever accessible) they made no claim to have furnished the same, and frankly admitted that they did not so furnish it. Any payment on these vouchers will not, of course, be recommended.

I am not called upon to examine into the motives of the territorial officers who issued these vouchers; but it is still more a matter of regret in this case than in those of the substitution of articles lately described, that there was not less empty observance of the forms designed for ordinary occasions, and a greater regard for the plain duty of a public officer to make his certificates accord with the facts concerned. There could be no reasonable apprehension that any necessary expenditures would be rejected, if properly established, when the time of settlement came.

An estimate of the average number of animals to be fed shows that the whole amount of forage charged for is not in excess of the regulation allowance for that number; but it is beyond question that the troop horses were principally fed by grazing, supplemented by short rations of forage from time to time.

Subsistence.—The troops, officers, and men, and civilians connected with this command were subsisted generally upon good and wholesome rations. Complaints, it is true, were made of certain portions of the provisions furnished, some having been condemned by a board of survey, but the amounts of inferior issues were not considerable. There were periods when the troops on the Yellowstone were not continuously supplied with the full articles of the ration, and some complaints were made on this score, but the cause of dissatisfaction was not prolonged, and was mainly due to bad management. The officers connected with the subsistence department seem to have rendered comparatively full returns, which set forth the quantities purporting to have been purchased, and the manner in which the same were disposed of. It is certain that some of the vouchers given in payment for subsistence were not correctly issued, the subsistence never having been received. This pertains to bills of provisions amounting to nearly \$10,000. This property was never received, and yet is accounted for on the returns as having been properly issued. Many articles, such as baking-powders, molasses, &c., were furnished from time to time, and not always taken up under their own designation, but under other heads. Tobacco, an article which, by law, is required to be paid for by the men, was purchased in large quantities, at high rates, and issued as part of the ration, without charge. The amount represented to have been paid for tobacco is nearly one-fifth of the whole expenditure for provisions. It appears that larger quantities than the regular allowance were occasionally issued of other articles, when the full ration could not be issued, to remove discontent. It also appears, from an inspection of the papers, that occasional duplicate issues of rations were made, and there is reason to suppose that issues were made to unauthorized persons.

The number of daily rations purporting to have been issued to soldiers and laundresses is 96,113, exclusive of 2,077 rations issued to men in hospital. The same number of men, during all this period, would have been entitled to near 80,127 rations of the regular allowance. Issues to citizen employes amount to 10,761 rations. The officers drew the number of rations affixed to their grades, according to the then existing regulations, for themselves and servants, on the ground that, not receiving pay, they could not live without them. The large amount of 29,493 rations in kind were issued to officers. Somewhere about 2,000 rations were issued to Indians, and there were about 7,000 rations lost, destroyed, or abandoned.

The total quantity of rations reported by the territorial commissary general to have been purchased amounts to between 145,000 and 150,000 full rations of all kinds. In some descriptions of articles, meats especially, the number of rations purchased considerably exceeded that of the minor articles. The average reported purchased was, say, about 147,000 rations in all, or 4,900 thirty-day rations. The total issued to all persons concerned is represented to be 138,444. The provisions furnished were pork, bacon, fresh beef, flour, hard bread, beans, peas, rice, hominy, coffee, tea, sugar, vinegar, candles, soap, salt, pepper, potatoes, tobacco, and other minor articles; and I am fully satisfied that the articles reported as purchased were mainly delivered. Some of the sales were at a high though not exorbitant figure; but others were made at extravagant rates.

The number of men of all grades reported as having been subsisted is probably exaggerated, and returns have been made to agree by reporting issues which did not take place; or, if they did take place, were over-issues, to which parties would not have been entitled under the regulations. Articles designed in the regulations to be issued in lieu of other articles were claimed in many cases, and issued as part of the regular issue without deduction. There is an unusual amount of wastage reported; but, then, the circumstances of the transportation over long lines of wagon travel, with men handling the property careless and undisciplined, leaving it at times unprotected, want of means of taking care of property, the negligence of custodians, may account for much of this, and for recorded instances of losses by theft and from other causes. All the wastages reported, however, is probably not fairly chargeable under that head.

Clothing.—The clothing purchased was principally citizens' clothing, varying in quality and grade, including every article of men's wear, hats, boots, clothing proper, blankets, &c. Most of it appears to have been of fair quality; of a better average, indeed, in that respect than that furnished to the Regular Army; and some of the invoices appear to have been not excessive in prices. Clothing was issued to officers, soldiers, teamsters, herders, &c.; in fact, to all the civilian employes connected with the movement. The employes, however, appear to have been charged with the amounts issued to them, and deducted in final settlement on the vouchers issued them. In the issue and use of clothing there appears to have been considerable extravagance, and not a satisfactory accountability. The amount used was largely in excess of that allowed to the regular troops during their first year of service. There seems to have been special over-issues of certain articles. For instance, there were purchased and delivered (as is stated) for the use of the troops and employes, 2,733 shirts; 1,694 pairs of drawers; 1,293 pairs of boots; 1,221 hats; 1,730 pants; 2,294 pairs of socks. The quantity purporting to have been purchased was probably all received, with the exception of an amount for which vouchers were issued for \$2,246, for an entirely different class of articles.

Horse equipments, accouterments, &c.—The largest item of purchases under this head is 711 saddles. They were probably nearly all delivered, but a large proportion were second-hand. They were picked up all over the Territory; were of all the varieties in ordinary use, and some of them in a dilapidated condition, so that considerable expense was incurred in having them put in serviceable order. Some of the invoices, however, were of new saddles, and of a good description.

Arms.—There were purchased 201 rifles, muskets, and carbines, and 102 pistols. At the origin of the expedition arms were not abundant throughout the Territory, especially those of a better quality. They had to be picked up all over the country, most of them being second-hand, embracing all kinds and varieties of patterns in ordinary use, from the most approved breech-loader to the old-fashioned musket. Ammunition was scarce, and the prices asked for it generally extravagant. In July the arms sent by the United States Government on account of the territorial quota reached the troops, and purchases on that account mostly ceased. It is believed that the arms and ammunition charged for were received.

Civilian employés.—The services charged for were, except in a few instances, mostly rendered, though the number employed seems to have been unnecessarily large, and the rates of pay higher than can be allowed. Some of the employés reported were not ordinary hired persons; they were livery-stable keepers, blacksmiths, saddlers, &c., who supplied materials and labor mixed, and who were paid in vouchers separating the former from the latter, but equal in the total amounts.

There were employed, at different times, eight clerks, one saddler, ten blacksmiths, one carpenter, thirty-seven teamsters, four wagon-masters, six corral-masters, six herders, four packers, one forage-master, three guides and scouts, one veterinary surgeon and inspector of horses. Although the ration returns exhibit an average of rations issued to citizens of seventy-one daily, for five months, the monthly average is not thought to reach sixty.

There is no property of any kind left which can be turned in to the United States on its assumption of what may be found to be the equitable indebtedness.

All the subsistence stores purchased, as has been seen, were nearly consumed in various ways in the service. The balance of 3,315 rations, left over on the disbanding of the force, were delivered over to and charged to the men. Upon the breaking up of the campaign 19,164 pounds of potatoes were reported abandoned, with 182 tons of hay, and some other property on the Yellowstone. Of the horses, 147 only were returned out of the whole outfit of those purchased. These, with their equipments, together with other property, being an ambulance, four wagons, some articles of camp and garrison equipage, and other items of insignificant value, were disposed of by auction, (that portion which was taken to Helena,) and the proceeds delivered to the men. The portion taken to Virginia City was appraised and delivered to the men there on account of their pay. At the latter place there also appear to have been sales. No account of any of these sales appears among the returns, though such vouchers are alluded to; but I have learned that that portion of the property sold at Helena realized \$3,128.56 in cash.

Cash paid to the men, \$1,276.52. Charged on final statements of the men, (a payment, in effect, to that amount,) \$1,226.76. Paid to officers, on what account not explained, but claimed as reimbursement for expenses, \$244.40; and the remainder paid for expenses of sale and on other accounts, of which an item of \$165 for board is not explained.

No clothing was left over at the close of the expedition. The public arms that were in the hands of the troops were turned in mostly to the agents of the Territory, but none of the purchased arms were so turned in. Some of them were appraised and turned over to the men.

The loss of a considerable amount of property is thus accounted for: When the troops were ordered finally to be disbanded, after repeated refusals of the department commander to recognize them as necessary, and to commit the Government to recognize their services, there was intense dissatisfaction among the men, who had recently been re-enlisted for a term of six months, which would have carried them through the autumn and winter, and afforded them the long-coveted and promised opportunity of prospecting the unsettled regions east of the Yellowstone. This feeling culminated in the forcible seizure of such horses, arms, and supplies as they saw fit to take by a large body of the men, led on by one of the officers, and the desertion of the party with the plunder thus gained. From telegrams sent by the governor to the adjacent States and Territories and the military posts, in the hope of intercepting this party, and also from the commander of the troops, it would seem that some two hundred of the men were engaged in this act; and as the majority of those who took no active part in the affair sympathized with those who did, no effective effort could be made to regain the property.

Complete returns of what was thus lost by this expedition have not been rendered, but the property included necessities of all classes for the outfit of a large armed prospecting party.

The soldiers, except deserters, were paid a large proportion, nearly all, of their dues, as we have seen, by the proceeds derived from the sale and by the delivery to them, at appraised value, of the property remaining on hand at the disbanding of the force. The officers were subsisted, and probably more than subsisted, by the issue of rations in kind. They also drew their allowances of forage and fuel, and received clothing. Thus they have been partially paid; still, there are balances which would be coming to them if they could be allowed by Congress the usual rates of pay of officers of like grades in the Regular Army for their periods of service. To such of them as did not hold mere complimentary positions, and who can discharge their responsibility according to the usual mode of settlement with the Treasury for property received by them, it is hoped Congress will grant such balances that would be found coming to them, on the basis of the allowance to them of the rates, at the period, of compensation for service in the same grades in the Regular Army.

It is respectfully recommended that an appropriation of \$1,900 be asked for, to cover those expenses of this investigation that are not properly chargeable to any of the current appropriations. The sum of \$1,054.04 has been expended in payment of witness fees, stationery, expressage, and extra clerical services. The balance will be needed before the close of the investigation. The amounts paid have been drawn from the appropriations belonging to the Quartermaster's Department, though hardly a proper charge against these funds; but there has been no other way of meeting necessary expenses.

In conclusion, it is well, perhaps, to state that certain other testimony will probably be received before my investigations are closed, but nothing yet to come in as evidence will affect the general questions, though additional testimony is both useful and necessary to the determination of individual claims.

Very respectfully, your obedient servant,

JAS. A. HARDIE,
Inspector General United States Army.

The ADJUTANT GENERAL OF THE ARMY,
Washington.

TESTIMONY OF M. H. INSLEY.

WASHINGTON, D. C., May 10, 1872.

M. H. INSLEY duly sworn and examined.

By Mr. DONNAN:

Question. Were you in Montana Territory in the spring of 1867, in May?—Answer. Yes, sir.

Q. State whether the governor of that Territory showed you any authority for calling out troops for the protection of the people.—A. I have here copies of telegrams furnished me by the Governor of Montana Territory, at my request, under the official seal of the Territory. They purport to be the authority that he had for calling out and subsisting the troops.

[The following are the telegrams furnished.

WASHINGTON, D. C., May 4, 1867.

In answer to your telegram of April 28, in relation to Indian invasions, I am instructed by the Secretary of War to inform you that authority has been given by this Department to Lieutenant General Sherman to call out, organize, officer, and subsist such militia force in Montana Territory as he deems necessary for the protection of that Territory against hostile Indians. Any suggestions you may make to General Sherman at Saint Louis, on matters relating to this subject, will receive his attention.

Acknowledge receipt.

E. D. TOWNSEND,
Assistant Adjutant General.

General T. F. MEAGHER, *Acting Governor Montana Territory.*

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI.

Saint Louis, Missouri, May 7, 1867.

If Indians enter the valley of the Gallatin, organize eight hundred volunteers and drive them out. Those troops should only be used until the Regulars reach the Yellowstone.

W. T. SHERMAN,
Lieutenant General.

Official copy respectfully furnished by mail.

A. C. NICHOLS,
Assistant Adjutant General.

FRANCIS MEAGHER, *Acting Governor Montana Territory, Virginia City.*

SAINT LOUIS, MISSOURI, May 24, 1867.

Muster in a battalion of eight hundred men at the cost of the United States, for two months. Equip them as you can best until the arms *en route* reach Fort Benton. Move quickly to the threatened point, when the danger will either disappear or be removed. Let the men furnish their own horses at 40 cents per day, and be rationed by contract. When the service is rendered I will order payment by regular paymaster.

W. T. SHERMAN,
Lieutenant General, Commanding.

Colonel W. H. LEWIS, *Virginia City, Montana Territory.*

M. H. Insley, being first duly sworn, deposes and says that the foregoing are true and correct copies of dispatches as furnished to him by the governor of Montana Territory, in 1867, and certified to as correct by the governor, with the official seal of the Territory affixed thereto.

M. H. INSLEY.

Sworn to and subscribed before me this 9th day of May, 1872.

[SEAL.]

H. CLAY JOHNSON,
Notary Public.

Q. Did the governor of that Territory show you the original of either or all of these telegrams?—A. He showed me the books in which they were copied—all this correspondence, with others; all that he had, the telegrams sent to Washington, with the replies. He exhibited all his books to me, all the orders pertaining to calling out troops, and furnished his authority, at my request.

Q. Why did you ask for this authority?—A. Because I did not want to invest my money if there was any question as to the payment for the supplies. I was very particular about it. The governor furnished that authority for calling out the troops, and gave me these assurances that the Government would assume the liability; that he was fully authorized.

Q. I understand you never saw the original telegrams claimed to be sent to General Sherman?—A. Yes, sir; I saw the telegram that Colonel Lewis had. Colonel Lewis furnished the governor with a copy of this dispatch. It was recorded in his books; and Colonel Lewis exhibited his telegram, with others, to me, and had a copy of it tacked up in the banking-house of A. Hannan & Co., in Virginia City. While we were discussing it, as it was a matter of a good deal of interest to us, Colonel Lewis said that was an answer sent by General Sherman to muster in these troops. He said, "There, gentlemen, is authority for you; that is sufficient."

Q. Did you furnish the entire amount of supplies in kind, for which you claim payment in this case?—A. I furnished every single thing, every single pound, to the best of my knowledge and belief, for which I have received my vouchers. These articles consisted of bacon, flour, coffee, sugar, the Regular Army rations. Everything I furnished I could have sold for gold, and I believe for more than I was allowed by General Hardie. I wish to call attention to one thing. The most of these articles were transported from the Missouri River to Virginia City, nearly two thousand miles. From Leavenworth, Kansas, I sent a train of six-mule teams, in 1867, loaded with groceries, for the purpose of selling them to the miners and the people of that Territory. I did not have the flour. The proposals called for about five hundred sacks of flour, and I had to buy flour, for which I paid \$12.50 in gold. I bought this of a merchant. For this I have been allowed, I believe, \$12. I have waited for that five years. Money up in that country was worth 5 per cent. a month. I bought Saint Louis flour, which was an extra lot; I was to receive \$19 in vouchers.

Q. General Sherman in his report, October 1, 1867, says: "For the further consideration of this matter I refer to General Terry's report herewith, and only allude to it here to show that the United States are not in any measure responsible for the call of volunteers in Montana, which Acting Governor Meagher made, in spite of the decision to the contrary by the rightful Department of the Government." Now, I want to ask you whether the original dispatch which you saw in the hands of Colonel Lewis was identical, or if not so, very nearly identical, with this which I hand you.

[The dispatch was as follows:

SAINT LOUIS, MISSOURI, May 24, 1867.

Colonel W. H. LEWIS, *Virginia City, Montana Territory:*

Muster in a battalion of eight hundred men at once, at the cost of the United States, for three months. Equip them as best you can till the arms *en route* reach Fort Benton. Move quickly to the threatened point, when the danger will either disappear or be removed. Let the men furnish their own horses and arms at 40 cents per day, and be rationed by contract. When the service is rendered I will order payment by the regular paymaster.

W. T. SHERMAN,
Lieutenant General, Commanding.

A. This is the telegram which was furnished me by the governor. There might be a difference of a word or two, but the purport was the same. It was furnished me by the governor of the Territory as a true copy of a dispatch received by him.

Q. The point is this: did the original telegram, which you saw, order the governor to muster in a battalion of eight hundred men at the cost of the United States?—A. It ordered Colonel Lewis to muster in eight hundred men. I will say further, that, desiring to be fully satisfied, I went to the telegraphic operator and asked to see a copy of this dispatch. He looked at his records and furnished me a copy. He said it was a public matter, and there was nothing wrong in his doing so. I had that copy which he furnished me for a long time, but I have misplaced it.

Q. Have you ever received any pay from the United States Government, in any amount, as a remuneration?—A. Never; but I have spent a good deal in paying hotel bills and trying to get some action of Congress. I would like to say that everything that I put in was the same as gold, and I should never have put in a dollar if I had not fully believed the Government of the United States had ordered it. Further than that, Colonel Lewis assured me that it was his belief that the Government would pay for the supplies furnished and the services rendered. On that assurance I went into it. I furnished transportation and paid my teamsters \$2 a day in gold, and kept my wagons in repair, every stick of hard timber for which had to be taken with me from Missouri River, 1,500 or 2,000 miles. My wagon-master I paid \$150 a month in gold. I kept my own mules shod, &c. Everything furnished was staple articles—coffee, sugar, flour, soap, salt, beans, &c., and I could have gone out and sold them for gold at any time.

By the CHAIRMAN:

Q. State what business you had been engaged in previously.—A. I was merchandising in Leavenworth, and I sent goods up to Montana on speculation. It was a customary thing with freighters to send goods to the mining regions for sale.

Q. Had you ever freighted up there before?—A. I had been interested in freighting to Salt Lake, with another man. We had about fifty teams employed. One object I had in going was to sell my train. I thought I could load the train and then sell both the load and the train when I reached Montana Territory. I have evidence filed with the Committee on Territories in the Senate, before whom this question was pending for a year or more, that parties there offered to take my bills and to pay me \$17,000 over the first cost of the goods, which would have been what I would have realized as profit.

Q. They offered to take the goods at invoice price and pay you \$17,000 in advance?—A. Yes, sir.

Q. How long before you furnished them to the Government?—A. The fall before.

Q. What amount of flour did you buy?—A. About five hundred sacks.

By Mr. DONNAN:

Q. What was the original amount claimed by you on the vouchers?—A. The original amount was about \$42,000 for commissary supplies.

Q. What was the value of the flour?—A. I purchased about five hundred sacks.

Q. Was that included as a part of the \$40,000?—A. Yes, sir.

By the CHAIRMAN:

Q. Did you furnish anything else besides that?—A. Yes, sir; I furnished transportation.

Q. What was the nature of the transportation?—A. Six-mule teams. We hauled the supplies from Virginia City down to where they were in the service.

Q. Did they find any enemy there?—A. I saw three men brought in who were shot to pieces.

Q. Were they Indians or white men?—A. White men.

Q. State what you know about actual hostilities there.—A. The only men I saw killed were these three. I saw them brought in from across the Yellowstone.

By Mr. DONNAN:

Q. Were they soldiers of this command?—A. No, sir; they were citizens.

By the CHAIRMAN:

Q. What was the extent of the marching at that time?—A. They had to patrol the country all the time. I suppose they had to go to Fort Parker from Virginia City, which is about one hundred and twenty-five miles. Most of the supplies were taken from Virginia City to where this command was.

Q. Were there eight hundred troops in the field?—A. No, sir; about four or five hundred.

Q. How was this transportation made?—A. I transported the supplies back and forth for the relief of the volunteers. This force was made up of volunteers, and the volunteers were supplied until General Sherman sent the regular troops to relieve the volunteers, which was on the last days of September, when the Regulars marched in and the volunteers marched out.

TESTIMONY OF WILLIAM H. CLAGGETT.

WASHINGTON, D. C., *May 10, 1872.*

WILLIAM H. CLAGGETT duly sworn and examined.

By Mr. DONNAN:

Question. State your name, residence, and position.—Answer. William H. Claggett, Deer Lodge, Montana. I am a Delegate in Congress from that Territory.

Q. Were you a resident of Montana in 1867?—A. I was at that time engaged in the business of mining.

Q. Let me call your attention to the report of General Sherman of October 1, 1867, in which he states that the Gallatin Valley had not been invaded by hostile Indians at all in May of that year, and that the only murder committed was that of one man at Boseman, more than sixty miles from Gallatin Valley, and that this was the only act of hostility that occurred; and let me ask you to state what you know on the subject.—A. So far as personal knowledge is concerned, I cannot say much, but can speak only of matters of common notoriety. At that time Red Cloud was the chief of the Sioux Indians, at the head of about four thousand fighting men, as was understood, and during the winter of 1866-'67 parties were continually coming in from the Indian country with the report that as soon as the grass grew in the spring Red Cloud would run the whole population out of the Gallatin Valley. This was apprehended by the people during the latter part of the winter. At that time, so far as my knowledge goes, and I am satisfied it is correct, there was not a soldier in Montana Territory outside of Fort Union, five or six hundred miles distant on an air-line from the settlements, and by river navigation it was nine hundred miles below Fort Benton.

In the spring of 1867 many Indian raids were committed in the Territory. I was mining about thirteen miles from Deer Lodge, the county seat, and there was a raid made into the gulch where I was mining, and they carried off several hundred horses, in fact, every hoof except two. They came right in and up to the settlements. Stock was also run off from the vicinity of Blackfoot and Lincoln Gulch, in my county, which were not in an exposed locality. When it was rumored that the Government was proceeding to organize a military expedition, it was believed by the military authorities and the people that the effect would be to drive these Sioux Indians right upon our unprotected frontier; and, taking this in connection with the rumors that had prevailed in the winter of 1866-'67, it was apparent to our people that there was little required to drive them right upon us, as they seemed to be more than willing to come without driving. The next thing heard of was the killing of Boseman, and another man—Tom Coover—was also wounded. There were three or four accounts published in the papers in reference to finding bands of Indians hovering around Gallatin Valley; whether true or not, I do not know; but the reports were believed to be true. The people began to call upon the governor for protection, and before he called out troops large numbers of men had mounted their horses and gone into the valley to afford temporary protection while troops were being raised, and as they went there they found the citizens rushing out pell-mell into the vicinity of Helena, about sixty-five or seventy miles distant. They camped around on the hills near Helena for some time. It seems to me that some of them staid there for two months. The citizens opened their houses and entertained them as well as they could.

The next thing I remember about it was Major Lewis coming up, and in the mean time Governor Meagher began to call for troops. Telegrams were published in the papers which I have seen here in the report of the Senate committee, but there was considerable doubt as to whether the authority had been given to the governor to call these troops out.

As a matter of current information, I may state, as the reason of this doubt, that the year 1865, or before I moved to Montana, a large number of our people had been killed on the Missouri River, and Governor Edgerton had called out some volunteers. They had gone out to furnish protection to the citizens, and they had never received a dollar for their services. The consequence was that, when Governor Meagher called for troops, the people refused to respond. They said that if they went they would go on their own responsibility, without any connection with the Government. There was, therefore, a slowness in volunteering, and in the mean time the people who had gone into the valley were furnishing temporary protection until the volunteers could be raised.

After awhile came this dispatch from General Sherman to Colonel Lewis, and, when that dispatch was made known, the question was settled in the minds of the people as to authority, and they began to get the men. I saw, in the testimony of Colonel Lewis before a Senate committee, that he states that the only actual hostilities he knew of when in Montana was the murder of Boseman. The committee will bear in mind that Colonel Lewis testified as to the condition of things when he was there; the number of people killed in the Indian country transpired afterward. How many of these outrages were happening in the Indian country was not known at that time. The Crows were driven back by the Sioux, and made common cause with the whites. On the 7th day of September, 1867, I left Fort Benton on a steamboat, and started down the Missouri River for the States. We were some

two months getting to Fort Union, and for about six weeks of that time the 385 men, women, and children on board had nothing to eat except what they got in the woods with their rifles, the boat having run out of provisions shortly after starting. We had to keep out hunting-parties continually for the purpose of getting game. I was out hunting most of the time myself, and that gave us full information in reference to that section of the country as to the presence or absence of hostile Indians. We lost three of our passengers while hunting in the river bottoms. One was killed and scalped within a cable's length of the boat. Two others, who went out to hunt, never came back. There was but one settlement between Sioux City and Fort Benton, and we found that every wood-yard but one on the upper river had been abandoned and the yards destroyed by Indians, the men having been killed or driven off. We found one only that was kept, which was, I think, three or four days' travel below the mouth of the Muscle-Shell River. There were three men there, one of whom got on board the boat as a passenger, fearing to remain. As we were often delayed by shoals, the little Mackinaw boats, filled with miners going east, would run down by us, and we would make inquiry of them as to the men left at the wood-yards. Five or six of these little boats came down one night while we were lying on a sand-bar, and we learned that four or five days after we passed the wood-yard the Indians had captured the two men left there, stripped them, cut off their secrets, and turned them loose to bleed to death. One of them died in consequence of the mutilation by the Indians within about five miles of the wood-yard, and the other wandered about nine miles to the bank of the river and was picked up, and had only time to relate the circumstances of his capture and mutilation before he died.

We heard of thirteen men in all who were killed on the Missouri River while we were passing down to Fort Union.

One word with reference to Indian wars generally. If we take the idea of an Indian war as involving regular stand-up fighting between bodies of men, I doubt if there is any such thing as an Indian war. Whenever you are prepared to go to attack them they are never to be found. I have seen it stated that when General Sully went after the Indians in Minnesota, in 1862, the expedition cost the Government forty millions of dollars and only two Indians were killed. We cannot have a war with the Indians in which they will stand up and be killed like men, but they will come and make their attacks when they can catch you napping, and there is no way to subdue them but to track them down in their winter-quarters. If they would fight, in the sense of fighting, as in an ordinary war, the question of Indian hostilities would be settled very soon. It is this continual sense of danger and the necessity for standing guard, as it were, all the time that renders the Indians such a terror to the people in exposed localities.

So far as the dispute about calling out these troops is concerned between General Sherman and Governor Meagher, I do not know which is right. There seems some conflict as to whether he (Meagher) was authorized by General Sherman to call out the troops. I have heard it stated that General Sherman's telegram was changed by him to have been changed by Governor Meagher so as to read "threatened invasion," instead of "invasion" of Gallatin Valley. If we had waited until the valley was actually invaded, the people would all have been scalped before any troops could have been raised or have reached the place.

By the CHAIRMAN:

Q. State the extent of Gallatin Valley.—A. It is about 50 miles long and an average of about 20 miles wide.

Q. How long would it take to sweep that?—A. With a large force of Indians, about ten hours.

Q. Are the Indians mounted?—A. Yes, sir; and they have some very fine horses.

Q. What distance will they go in a day?—A. They will go, if pressed, for two days, scarcely without getting out of the saddle, or until their horses drop. Their ponies are very hardy, and if necessary, I think, they can make 200 miles without stopping to camp. War parties, encumbered with plunder, can easily make 100 miles in twenty-four hours.

There has been a good deal said in connection with these claims with reference to the action of the territorial authorities. The committee will bear in mind that these territorial authorities were nothing more nor less than Governor Thomas Francis Meagher, appointed by the General Government without consulting the people of the Territory, and to all intents and purposes a Federal officer. Our people had no control over his appointment to nor retention in office, nor over his appointments on his military staff. While governor his habits on the point of sobriety were exceedingly exceptional; and if there was any lack of careful preparation and management in raising and supplying these volunteer troops, it should be borne in mind that the whole affair was under the control of the governor, who was the only territorial authority we had. We had to do the best we could with the authorities which the Federal Government saw fit to send us. We had to take things as we found them, and if the best use was not always made of the supplies which were furnished, those who furnished them were not to blame.

These people furnished that money in supplies, which was worth 5 per cent. a month. Money is now worth in Montana from $2\frac{1}{2}$ to 3 per cent. a month on gilt-edged paper, with the best of security; and if these men were paid every dollar for which they put in their claims, instead of the amount recommended by General Hardie, they would not get one-half

as much as the amount recommended by General Hardie plus five years' interest at current rates would amount to.

One thing should be considered, viz, that, whatever may have been the case on the question of authority to call out these troops, we did the work which it was the duty of the Government to do, and we relieved that Government of the expense. Since then the Government itself has established posts at Fort Parker, Fort Shaw, Fort Ellis, and Camp Baker, on our eastern frontier, Forts Parker and Ellis on the very spots camped on by the volunteers, all of which goes to show the propriety of the selections we made, and that there was an absolute necessity of throwing out a line of mountain posts to guard our frontier.

Q. Do you know how much money these men expended?—A. General Hardie reports something over \$500,000. I think myself they expended more, say \$700,000.

Q. What leads you to that conclusion?—A. Because I know the cost of things at that time. I paid that summer \$1.50 per pound for butter, 75 cents per pound for sugar, in gold-dust, which was a more costly currency than gold coin, and other articles cost in the same proportion.

Q. Do you know that those articles which you have named were furnished?—A. I do not know what particular articles were furnished. I assume that the staple articles afforded by the markets of the country were furnished. In arriving at the sum total I take as a basis the report of General Hardie. I am satisfied, from what I can hear of the prices arrived at by him, that the prices of the supplies and provisions would come to a larger figure. At the time these difficulties occurred in Montana our supplies nearly all came up the Missouri River, which was navigable for only one trip in the year to Fort Benton, the head of navigation, some 3,200 miles above Saint Louis. Our merchants, therefore, had to buy supplies for a year in advance, and when money was worth 5 per cent. per month they had to charge enormous prices to get their money back with current rates of interest. Besides this, freights were very high, this being the only way to get our goods, except by wagoning them from Leavenworth to Omaha, a distance of some sixteen hundred miles, (which was sometimes done in order to take advantage of the exceptionably high prices in the spring;) the consequence was that every spring the markets were almost entirely bare, and prices up to the time the boats got up the river unusually high even for that country. The boats usually got up from the middle of June to the last of July. My recollection is that many of these supplies were furnished before the arrival of the boats and while these exceptionably high prices prevailed.

The people who furnished these supplies have suffered greatly from not getting their money. Many of them were poor men who turned in everything they had. I know several instances of the kind. I call to mind just now a particularly hard case, that of a miner whose whole property consisted of some nineteen horses. He turned them all in at current prices, and has been prospecting ever since, carrying his blankets from place to place on his back, too poor even to buy a cayuse. The interest on \$500,000 at 5 per cent. per month comes to \$300,000 per annum. If you average the interest for five years at 4 per cent. per month, it will amount on the amount recommended to \$200,000 per annum, or \$1,000,000 in all.

By Mr. DONNAN:

Q. From what you know of the surrounding circumstances, had not this battalion of men been raised do you think there would have been an extended hostile Indian incursion into that portion of the Territory?—A. I have not a doubt of it. From what I know about Indian matters, and signs of Indian raids, I have not a shadow of doubt that if the volunteers had not been collected and the preparation made for defense it would have been as it was in Minnesota.

Q. Was this battalion of volunteers effectual in preventing it?—A. Undoubtedly. There are continually half-breeds and renegade whites who convey information from the Indians to the whites, and *vice versa*. It was known that the Indians were preparing for the raid, and were all around; and had it not been for the information, doubtless carried to them, that we were prepared to meet them, there is every reason to believe we would have had a sweeping massacre that year along our exposed border.

TESTIMONY OF INSPECTOR GENERAL HARDIE.

WASHINGTON, D. C., May 10, 1872.

Inspector General JAMES A. HARDIE duly sworn and examined.

By Mr. DONNAN:

Question. Please state your name and position.—Answer. James A. Hardie; an inspector general in the Army of the United States.

Q. State to the committee, as fully as you can, the action you have taken, under orders from the War Department, in pursuance of an act of Congress of the 15th of July, 1870.—

A. I was directed by the Secretary of War, in the summer of 1870, to assume the duties of

the investigation with which he was charged by the act referred to. There were no papers at that time in the possession of the War Department which gave an idea of the extent of the claims and their nature, much less the names of the claimants and the circumstances under which the claims occurred. I proposed to the Secretary, while at Keokuk, to proceed at once, in order to take advantage of the season, to Montana, and investigate the claims on the spot. I went upon the assumption that the territorial authorities, especially the quartermasters and commissaries, had kept their books and accounts in such order that I could learn there what the precise claims were—become thoroughly posted upon the whole of these accounts by inquiries there—and then, upon my return to the East, I could receive such official papers which were then in the hands of some committees of Congress, and therefore could not reach me before I left. I thought I would thus have these duplicates, and all the information necessary for a thorough investigation. I went then, in the autumn of the year 1870, to Montana. I questioned, in conversation, everybody that I met in traveling through the Territory. I got a great deal of interesting information in regard to the characters of individuals, the names of claimants, the character of the transactions, how the quartermasters did their business, whether anybody connected with the territorial government had made money out of these transactions; and, if so, how, and where the parties were; and, in fine, learned primarily much matter essential to the investigation. I passed some two or three weeks in Helena, making inquiries pretty extensively there, calling upon individuals to bring forward their claims, going to the books of the merchants and finding out from them pertinent matter. At first I could not reach the books or accounts of the territorial quartermaster and commissary. Governor Ashley and Governor Potts told me there were no papers of these officers on file. I found that all the official records had been referred to the territorial legislature to get some action on the subject. But instead of being returned, they had been retained by the chief-quartermaster, and were on the point of being taken out of the Territory, I suppose, for his personal protection. I finally secured all these papers, and among them all the books and accounts, all the official correspondence, telegrams, and everything which had passed between the territorial authorities and the General Government in regard to the call for these troops, and which has been published in various forms. I brought them out of the Territory. About that time the annual agricultural fair was being held in Helena, and I took advantage of the occasion to examine people from all parts of the Territory.

By the CHAIRMAN:

Q. Do I understand that you got all the original telegrams?—A. The original telegram, *as sent*, would probably be in the handwriting of the sender, and would be filed and in the office whence it was sent. I saw the papers that reached Helena and Virginia City, and I afterwards had copies under the authentications of the War Department, which copies had been before Congress, and which came down to me in the ordinary course. I perceived no difference in them from those that I give in this report. All these papers were destroyed in the fire in Chicago, October 8, 1871. I had borrowed the papers from Governor Potts, with the intention of sending them back. I had found them for him, and was making the investigation for the benefit of the Territory as much as for the public service; they were in my office when burned up.

Referring to the fair, I had there an opportunity of conversing with witnesses from all parts of the Territory. I saw officers and soldiers, clerks and civil employés, who had been in the volunteer service, and heard their stories. At Helena, at Virginia City, at Bozeman, and elsewhere, I examined claimants, as well as witnesses in their behalf and in behalf of the United States. I became, by degrees, pretty thoroughly acquainted with the claims. I ascertained from this wide variety of sources who absolutely furnished property, or rendered services, or rented property. I examined also into what was the condition of the property furnished, and the prices that should be allowed. I afterward examined all the quartermasters and commissaries, and the governor, Green Clay Smith, thoroughly on all the accounts; one commissary alone could not be found.

With regard to the subject of prices there is considerable dissatisfaction among the claimants. I have tried to be just; and, to show how far I have been successful, I will state how I came to fix the prices allowed. I got the newspapers of Helena and Virginia City in which the quotations of the period when the articles were got were given from time to time, of all the principal articles. They were very full quotations, more so than are usually found in our ordinary country papers. A claimant, a merchant in Virginia City, was one who contributed the prices-current to the paper there. Finding him to be a man of truth, I assumed his reports of prices to be fair. I also had the quotations in Helena. I went also to the books of merchants, and saw what they had been selling goods to others for. I noticed a great difference in prices at different times, particularly in articles where there was a temporary scarcity, and especially at retail; but I had copious data as to the rates ordinarily current. From all these sources I came to the conclusion as to the rates which should be fixed for the articles. I had much matter on this and other topics given under oath. Besides this testimony collected in various ways, I had the report of Colonel Lewis, who was the officer sent by General Sherman at the time, who reported the prices at which the principal articles could then be obtained. I had other papers also, drawn from the examinations of the offi-

ciala there as to prices, &c. These I collated, and from them constructed, as I have said, a scale of prices.

The matter of the value of horses caused me the greatest difficulty, as in regard to them and the article of forage there was the greatest opportunity for exorbitant charges. I found horses put in for \$200 to \$220, and on the question of their value there was a great diversity of testimony. Some put in horses that were half broken; some few were broken, taken from the livery stables. Many were unbroken Indian ponies. Besides other and direct proof on this point there were the blacksmiths' bill for shoeing, which were very large. Blacksmiths testified it was as much as a man's life was worth to shoe some of the horses. But there was a middle streak of the horses that was pretty good; some half-breed horses good enough for any service. The average of all was about fair and no more.

One witness, I may note, was keeping a tavern and had a ranche on the road from Helena to the Yellowstone, through which all the detachments went down and came back. I asked him about the value of a certain group of horses which he saw, which was a large item of charge in one of the claims, and in fact saw most of the stock going and coming from Helena to the Yellowstone. I said to him: "You saw all those horses, did you?" "Yes, sir; I saw them all." "What kind of horses were they?" He described them to me as I have described them. I said, "What was the value of the horses?" He said, "I would not like to say." Now, I said, "if I should allow \$60 as the value of the horses, on an average for the lot, don't you think that would be satisfactory?" This witness is a man of courage and of truth, and his expression in reply was, "They would laugh down in their boots if they could get that." Those horses were put in at \$217 each. Out of a hundred horses, perhaps ten would be worth \$75 or \$100; but out of the lot fifty would not be worth \$30 apiece.

My examination with regard to the quality of the horses extended to all the different bands, or groups, or as far as possible to individual horses. They were bought all over the Territory. One party came from Deer Lodge, and others from other directions, being brought in small bands, generally, from time to time.

After thus thoroughly examining into the character of the horses, I fixed upon \$80 as a standard for horses. Claimants are dissatisfied, but I am sure, in my own mind, that it is a liberal allowance. If any man could prove that his lot of horses was worth more than the standard of \$80, he might come with his proof; but I now recollect none that have satisfied me that they were worth more. I reported that sum, therefore, to the Secretary of War, and he adopted it with the other items of the standard as fixed by me.

Q. As to the number of horses, was there any discrepancy?—A. I examined that pretty thoroughly. I found none.

By Mr. DONNAN:

Q. You have given the amount charged for each horse; can you state the aggregate amount allowed?—A. I could calculate it easily. There were 848 horses furnished, and the stock was brought in at from \$217 to \$220. I allowed \$80.

Q. That was considerably less than 50 per cent?—A. Yes, sir; there was a larger reduction in the price of horses than in that of any other item. The prices found just for other articles are stated in my reports and the papers herewith; but this is the most important reduction.

These purchasing departments commenced their purchases without any money, and all the credit they had was based on the assumed assurance of the United States authorities that all their purchases would be paid for by the United States paymasters. At first the merchants did not like this; but finally they got what they thought to be sufficient assurances, as we have seen, and thereupon they commenced to furnish goods. There were some contracts made at that time, among them one very extensive one for forage. The quartermasters knew enough of the forms of service to satisfy themselves that the United States forms would be the best for making out vouchers; that such vouchers would thus more readily pass current, besides being more easily settled ultimately at the Treasury. The first purchases made by the quartermaster at Helena, for which vouchers were issued, were taken up by the chief quartermaster and chief commissary at Virginia City, and were approved by the governor under an order issued to that effect, and new vouchers issued. Thereafter all vouchers were issued at Virginia City. Thus they would have to be issued, in the case of disbursing officers not resident in Virginia City, upon memoranda or data sent in by the absent officers. Many of the transactions were extended over the season, and they were closed up at Virginia City in the autumn and winter. To that place the officers then repaired and made up their accounts. Then the opportunities of improper practices in squaring returns to meet cases of issues of vouchers for property never received, or of issuing additional irregular vouchers, occurred. How they were taken advantage of appears in the reports from me to the Secretary of War of last year, and this. I refer the committee also to those reports for a full history of this investigation, and of an account of all the general matter essential to the disposition of the subject before them.

WASHINGTON, D. C., May 16, 1872.

Inspector General JAMES A. HARDIE recalled.

By Mr. DONNAN :

Question. Proceed with your statement.—Answer. An inspection of the papers filed in this case show the following different classes of claims: claims found just—for property delivered, services rendered, &c.—with prices deemed equitable assigned; claims rejected and claims suspended.

Q. You speak of claims for services rendered. I want to call your attention to the limitation of authority excluding the personal service of the men.—A. I called the attention of the Secretary of War to that. It was concluded that the intention of the law was to exclude military personal service, and not to exclude civil personal service, such as that of teamsters, laborers, and others, without whom the military service could not be conducted. As, for example, it would be perfectly useless to purchase property without having the means of getting it into the hands of the troops by hiring teams and drivers. It would be useless for the officers to purchase stock for the use of the troops and not to have herders to take care of them, or not to have a place like Virginia City or Helena corrals to put them in. So that there is a necessary connection between supplies and the labor and storage, &c., essential to the proper distribution and care of it. I have not admitted, because I know it was not the intention of the statute to admit, taking the report of the Senate committee in connection with it, anything for military personal service whatever. If we take into consideration the number of men maintained, and the amount of service rendered, with all the reductions that I have made, (which has created a good deal of dissatisfaction among the claimants,) the expenses still appear to be very large. But then it must be taken into consideration that the country was distant. It was a mining country. Supplies only found their way there for the maintenance of the mining population. The market is rarely overstocked with anything. People cannot afford to send their trains out there loaded with freight on such distant and uncertain speculations. A sudden demand for anything will make a corner in any particular article. There is no doubt, for instance, that the price of horses run up owing to the fact that there was a great demand for them. I have taken that into consideration in making the price \$80 for each horse. Thus prices in some articles would vary very much during the season, and it therefore might be possible that the claimants purchased some property, especially where deliveries were extended over a considerable period, at a fraction higher rate than has been allowed. But, as I have before testified, my scale was constructed from the usual and ordinary market quotations of the papers; from the inspection of books of the merchants, and ascertaining what they sold for to others, and from inquiries made of them. I obtained some of these statements under oath—many not recorded—from men accustomed to dealing for years in the Territory—freighters, laborers, merchants, ranchmen, all sorts and conditions of people.

By Mr. TERRY :

Q. Considering the sudden emergency and great demand, did you put your figures high enough to cover even that state of things?—A. My instructions and the terms of the statute were to find out precisely the value of the property or service; and I think I have, as nearly as practicable. I may have erred, but it has not been my intention to do anything other than strict justice. Wherever I could ascertain the ruling price at a period identical with delivery, I have allowed it, but in most cases it was impracticable. Recurrence has been had to the standard fixed; many commodities have, indeed, few or no fluctuations in value, from their nature.

Q. Have you stated the number of troops?—A. I can give it exactly. There was a fluctuation in the recruiting. At first they got a good many recruits, who came in and were informally enrolled; but the people would not give them supplies, and they went off. Then, as soon as the telegrams came in, and it was said that the Federal officers actually assumed the expenses, then the recruiting went on.

I extract from my report :

"On the 24th of April, 1867, the acting governor, (Meagher,) yielding to the mainly genuine but not well-founded alarm of the settlers, called for six hundred volunteers for three months' service in the Gallatin Valley and on the Yellowstone River, and appointed sundry recruiting officers to enlist and command the troops, and various staff officers to organize and supply the force. From this time to the early part of July, it is not certainly known, with the want of regular muster-rolls for that period and from the unreliability of the ration-returns, how many men were actually in the service, but it is calculated that there were not more than eighty men at the end of April. During May there were probably 150, and from that time until the middle of July the number was probably about 250. During this period there were in service an average of fifty line and staff officers, among the upper grades of whom there was a disproportionate degree of rank. This number includes only those who performed the service. The acting governor's call, of the 24th of April, is addressed to the patriotic feelings of the community, to arouse them to come to the relief of their brethren in the Gallatin Valley, seeing that the Federal authorities had not listened to their calls for help. Upon the spur of the moment volunteers came forward; but, as mer-

chants and others, finding little prospect of payment by the Federal authorities, and knowing the Territory could not pay, were unwilling to furnish supplies in sufficient quantities, some who had enlisted became discouraged and left, and recruiting was slack under the discouragement. During the month of May, and especially toward its close, the correspondence between the governor, the Lieutenant General, and the War Department, officially described in the report of the Senate Committee on Territories, was assumed to exhibit the facts of the recognition on the part of the United States of the call for militia and of an engagement to pay the necessary expenses incurred therefor. As the community became satisfied that such was the case, those having supplies became less reluctant to sell. Some came forward and took large contracts, and others sold in considerable quantities to the purchasing departments, and recruiting became more brisk. About the middle of July Governor Green Clay Smith arrived at the capital, and thereupon reorganized the troops, giving them a regimental organization. At the end of July the numbers reported present and absent were 32 officers and 481 men; aggregate, 513.

"As the term of service of these three months' volunteers was about expiring, the men manifested great anxiety to be re-enlisted for a period to embrace the coming autumn and winter. Though the settlers had recovered from their alarm, they naturally encouraged the plan, and the governor, apparently convinced that the troubles threatening the settlement of the Territory by Indian invasion had not been brought to a termination, issued a proclamation on the 31st of July, calling for the service of 800 men for six months from the 1st of August, and inviting the old force to re-enlist. They did so, and at the end of August there were 32 officers and 409 men reported; an aggregate of 441. At the end of September there were 32 officers and 391 men; an aggregate of 423."

Q. Was the service continued from April to September?—A. Yes, sir.

Q. Who ordered its disbandment?—A. The governor of the Territory.

Q. The Government refusing to recognize them?—A. Yes, sir. All the time, from the commencement to the end. General Sherman never designed to recognize them. But there is a telegram, which was alluded to in the testimony of Colonel Insley, a copy of which I had, which was avowed by the territorial officers as having committed the Government fully as much as the telegrams that have been presented in the Senate committee's report.

By Mr. HAY:

Q. Did you see a copy of the Sherman telegram?—A. No, sir.

By Mr. DONNAN:

Q. Is this the telegram you refer to?

The telegram was examined, and is as follows:

"To FRANCIS MEAGHER, *Acting Governor Montana Territory, Virginia City:*

"If Indians enter the valley of the Gallatin, organize eight hundred (800) volunteers and drive them out. These troops should only be used until the regulars reach the Yellowstone.

"W. T. SHERMAN,

"*Lieutenant General.*"

A. Yes, sir; and I had copies of this from General Sherman's headquarters. But, as I said before, the historical matter had not been especially committed to me. The field of the investigation was pointed out by the statute, to ascertain the property expended and the value of it and the persons furnishing it. But in the mean time I investigated the whole thing. The evidence and information I collected sustains the Senate committee's report and General Sherman's report of October 1.

Q. Do you know for what period the articles of supply—forage, for instance—came in; whether actually limited to the time the troops were in service, or whether it extended beyond that period?—A. When Governor Green Clay Smith yielded to the demands of the men to have their force continued in service on the Yellowstone, they began to make large preparations, particularly in regard to hay. I was in the valley of the Gallatin, and I ascertained that they had indeed collected a large quantity of hay on the other side of the Yellowstone. It was claimed that there were 182 tons. It was destroyed by being abandoned when the expedition left in September. That had been collected before; and a couple of hundred of them took the stock and everything and deserted, headed by their officers, and went off on their own hook, prospecting. The rest of the men brought in what property was left, but the hay was abandoned. There was a very great destruction and waste of property; and the hay was never paid for. A man there, who had a band of stock ranging on the other side of the Yellowstone, told me that while on his way to Powder River country he saw the stack of hay, and that his cattle went to it and ate as much as they wanted. He said he thought there must have been over 80 tons of the hay.

By Mr. TERRY:

Q. Had that hay been gathered in the Territory?—A. It was gathered by Mr. Black; there is no doubt of that. I found out from various sources that he had people there employed to do the work; in fact, he got one of the quartermasters to superintend it. I found out he had

bought a mowing-machine and sent it down, which was a rare thing in that country. He had that in operation, and as it was a good place to put up hay, there is no reason why he should not put up any desired quantity.

By Mr. DONNAN:

Q. Did you ascertain whether any of the property of the Government had been turned over to individuals employed in the service of the Government, not in a military capacity?—A. I think the soldiers took most of the property. What was not taken out of hand by them was sold at Virginia City and distributed to them; and at Helena a distribution was made of the property among the soldiers, and a deduction of the valuation amount thus distributed was made on their final statements. No property now occurs to me as having been improperly held, or passed into hands of the civil employés. A team, which I now recollect of, is deducted from the account of the man who held it—this was a four-mule team, very much worn, which the chief quartermaster sold at public sale to a merchant in Helena, being public property, in payment of a private bill, the sum received being a little over \$200.

By Mr. TERRY:

Q. Have you had an opportunity of knowing something about the cost of maintaining regular forces in these Territories? I wish to know if you can state how much more, in proportion to the number, was the cost of this expedition than that of regular troops?—A. In answer to that question, I have said in my report as follows: "Major Lewis, the regular officer sent by the military commander to Montana to inquire into the necessity for volunteers and to muster them into the United States service, if needed, made what seems to have been a careful estimate of the cost of equipping and supporting a battalion of 400 troops for six months, and placed the amount at about \$414,000; but his estimates were admittedly liberal, so as to insure the covering of all possible expenses, and the number of men contemplated by him were not in service for the time named. It would, I think, be a liberal estimate to put the number of men, reduced to a six months' term, at 250, and \$258,750 would be a full estimate of their expense, if the usual customs and economies of the Government service had been observed."

By Mr. DONNAN:

Q. State to the committee what class of claims you have suspended, and explain the rules of your action in regard to such suspension.—A. I have suspended claims to the amount of \$56,172.01. I have partially suspended claims to the amount of \$41,941.91. I mean by partially suspended claims, claims where deliveries were only partly allowed. For instance, the claim of L. M. Black. I found there had been received from him hay and forage all through the country; that there was no sort of doubt but that there had been received at least half of the hay and two-thirds of the short forage; but I was not certain as to the balance, which was suspended for want of proof. I have suspended, in fact, all vouchers wherein I could not obtain sufficient information or proof, after search, to justify me in determining the question whether the deliveries claimed to have been made were actually made, either fully or partially. One group of vouchers was suspended, not because it was not ascertained that there had been some deliveries of property, but because I couldn't ascertain with sufficient definiteness what had been delivered to justify me in making any award. In view of the fact that the property was put in in the name of the brother-in-law of a quartermaster whose testimony I could not get, nor any other corroborative testimony, I thought this claimant should be made to come forward and prove his claim thoroughly before any awards could safely be made. I have suspended one claim for \$15,000, where it was not proved that the property had been delivered to my satisfaction, and I found a doubt existing in the mind of the chief commissary of subsistence as to its being a proper charge at the time. Other vouchers were suspended because there were names of persons inserted in the vouchers who really had not furnished the property, and the quartermaster in giving the explanation was not sufficiently clear; that is to say, the quartermaster issuing the voucher said that he would frequently purchase property of persons coming in, a horse or a saddle at a time, or other goods, and then group the purchase together and issue a voucher to some one person. There would be not so much objection to this if that were merely a form used in good faith, and if the circumstances were clearly and satisfactorily explained and the fact established that the property was delivered and the transaction a *bona-fide* one.

Q. State what class of vouchers you have rejected, and explain to the committee the rules governing your action in such rejection.—A. As illustrations of my mode of procedure under this head, I rejected one voucher for \$240, which was issued for the pretended purchase of a horse, whereas it was money drawn by the Chief Quartermaster Cummings from a bank in Helena; J. J. Atchinson, late cashier of the First National Bank, Helena, was the claimant. This officer, as well as the other officers indulging in irregular practices, set up that the money thus derived was in payment of expenditures incurred by them in the public service. As already reported, I could not, however, get from these parties a statement of the amount which the United States was indebted to them, or any account, in this connection, of expenditures or the receipts. Deliveries of forage, during May, by the contractor at Virginia City, L. M. Block, were not admitted by me, and were subsequently withdrawn by him. His contract took effect in

June, and the circumstances were well known to be such that it was impossible for him to have made any deliveries in May except by taking up sub-vouchers of others who had made deliveries under his contract; but he could not give definite information on that head, and I was obliged to reject all these vouchers. A voucher was issued for a horse for public purposes, but it turned out that the horse was borrowed, and when not returned it was charged as an officer's horse. I rejected vouchers for three horses in the name of T. Chimidlin. I asked him if he had sold these horses. He said he never had. I rejected ten vouchers of A. Hanauer. They purported to have been issued for forage delivered to the Government during the summer of 1867. I ascertained that he had not furnished any forage at all. I desired to know how it came about that he received such vouchers as these, and that they were afloat in his name with his signature to the receipt to give them currency. He told me he was forced to consent to this issue to get a settlement of the balance of his claim from the quartermaster. He told me frankly that he had not furnished any property thereon. The full amount of these vouchers is \$15,783.80. I rejected one voucher of Dr. Hovaker for \$826 for medical services, who had a commission from the governor as a surgeon, and was, therefore, a military officer. His claim was not within the sphere of my examination. Another claim of F. E. Patton of \$150, said to be so much material furnished, I ascertained, upon examination, to be really a claim for a small house burned by the troops. One claim for \$1,291.25 of Lamb & Paine was duplicated, and was thrown out. One claim of \$7,260 of Nelson Story for provisions was rejected, because nothing whatever was furnished on the voucher, Mr. Story so testifying to me; nor did he before know of its existence. One claim of \$75 was thrown out for services not rendered as stated. One claim of W. Herman of \$150 for rent was rejected, because there were no premises rented from him as charged; but the voucher was given for furniture, Herman being a cabinet-maker. The explanation was that the quartermaster was entitled to an office as commissary of subsistence, and also as quartermaster; that he had a sort of right to these offices as something in the nature of a perquisite. He performed all his duties in one office. It was claimed that the furniture was furnished for the public service, but it could not be traced. I rejected another group of vouchers, amounting to about —, because the property had not been received. The vouchers, had been issued to W. W. Watkins under the following circumstances: Watkins was a livery-stable keeper in Helena. The stock of parties would be brought to his corral and would be fed and charged so much per head for feed and attendance and everything in the livery-stable line. In making out vouchers for what was really furnished by him, they were made out so much for the amount of hay estimated to have been furnished, so much for corral rent, and so much for the hire of a corral-master. Three vouchers, not enumerated in the list rejected, for property absolutely furnished, were admitted at reduced rates, it having been ascertained that there was no doubt as to the general fairness of the bill with a deduction. Colonel Fiske, quartermaster in Helena, on giving him these vouchers at settlement, said to Mr. Watkins: "I have expended a great deal of money. I am out of pocket considerably for the public service, and I have no way of reimbursing myself except by taking advantage of the saving of forage. The troops have not used all the forage they would be entitled to according to the allowance of the regulations. There has been a great saving in consequence of the stock being put to grass during the summer, and if you will consent to my issuing two or three vouchers for forage, (the amount not stated,) it will only be a mere form, and I can dispose of the vouchers; and if you will authorize me to sign and receipt for them it will be a great convenience to me, and be of no sort of consequence to anybody else, as it is a mere form, and I shall thus be able to re-imburse myself." Mr. Watkins told me under oath that he did not know anything about that kind of business at all; but that he supposed Colonel Fiske knew about it, and he thought it was a simple matter, and nothing wrong in it, and he did authorize him to issue these vouchers. He was perfectly astonished, however, when I told him there must have been so large an over-issue of forage vouchers in this case. Mr. Watkins frankly said that he had not furnished the material at all, and I rejected the claims outright. I have seen the vouchers. They were signed with Watkins's signature, he having authorized Fiske to write his name.

Q. Did Watkins sign the receipt?—A. He authorized Fiske to sign a few to a small amount, and Fiske filled them up to a large amount, and sold them throughout the community, the whole amounting to about \$25,000. The number of vouchers in all is seven.

By the CHAIRMAN:

Q. Did you inquire what he got for it?—A. Yes, sir; he told me he got about ten cents on the dollar for them. He was assistant quartermaster of the Territory of Montana; not a United States quartermaster. If he had been a United States officer I should have preferred charges against him.

By Mr. DONNAN:

Q. Please explain the Couch and Drew claim?—A. This was explained by reading from the written report under head of transportation:

"Of the amount charged under this head, \$24,725.76 is for transportation of the territorial quota of small arms, artillery, and ammunition delivered to the Territory by the General

Government, from Sun River, near Fort Benton, to the capital, a distance of somewhere near two hundred and twenty miles. As this ordnance property had been delivered within the limits of the Territory to a territorial agent, at the expense of the United States, it is hardly considered just that the United States should be chargeable with after freight. Besides, the charge of sixteen cents per pound freight is extravagant."

Upon coming to make the awards, as required by statute, I brought this case directly to the attention of the Secretary of War, and asked him for instructions, stating that although I had made that report, still the subject had not been noticed, except as in connection with the general subject of these claims; but I felt that I had made a decision in this case, which, perhaps, was not in my province to make. The Secretary directed me to collect and report the facts in this as well as in the other cases, leaving the judgment thereon to Congress. This is in the list of claims allowed, the price being cut down from sixteen cents per pound freight to ten cents.

The report in the case was read, showing performance of the work, and the attending circumstances.

By Mr. DONNAN:

Q. What is the usage of the United States in the distribution of the quota of arms to States and Territories, as to paying the freight thereon?—A. The usage is, I learn from the Ordnance Department, to pay the freight.

Q. What material composed this quota?—A. I have learned from the Ordnance Office, as well as in Montana, that the material was six 12-pounder mounted howitzers, carriages, appliances, ammunition, &c.; two thousand five hundred rifle-muskets, accouterments, ammunition, &c.; value, \$67,561.50.

By Mr. STOUGHTON:

Q. What service did these troops render to the Government?—A. Garrison service, principally, in the Yellowstone Valley. They made scouts of no great value to the Government. The whole organization rendered no more important service than, by their presence in the Yellowstone Valley, in preventing the Sioux from coming in that direction. Such, at least, are my impressions with regard to the military services and of the expedition.

By Mr. DONNAN:

If there had been no such expedition, would there have been danger of a hostile incursion of the Indians in that section of the Territory?—A. Perhaps my testimony on this subject is not valuable; but I am inclined to think that if the Crow Indians had been properly managed they would have been a barrier between the Sioux and the settlements until regular troops came, and thus the volunteer troops would not have been absolutely necessary to protect the settlements against an Indian incursion.

Q. Under the circumstances, and with the Crow Indians not properly managed, would there have been danger?—A. My opinion on this point is not valuable. It would be conjecture.

By Mr. TERRY:

Q. Do you wish to make a further explanation in regard to certain vouchers referred to that have been burned?—A. A list of vouchers which have not been replaced since the fire is with the report. As I stated in the report, the appropriation named by the Secretary of War is believed to be sufficient to pay all the vouchers which are good. Some of those vouchers I know are good, and as I cannot state them fully, I have not been able to report upon them. I intend to report on them as fast as they come in to the Secretary of War.

WASHINGTON, D. C., May 20, 1872.

JAMES A. HARDIE recalled.

By Mr. DONNAN:

Question. State any additional facts within your knowledge which may affect the Montana claims.—Answer. There is no fact within my recollection at present which may be essential to the adjustment of these claims, or which affects the proper consideration of the subject, beyond those reported by me, in the printed reports and other documentary matter, in the hands of the committee, and the evidence given by me before them.

The amount of awards that I find is \$513,000. About that amount will extinguish all just claims.

As the committee direct, I take up the list of claims which I have examined and reported upon, and remark as follows:

No. 1 is that of Joseph H. Allen, for \$1,750, for rent. This rent was for offices. I visited the buildings and ascertained that the offices were absolutely rented; but he charged too much. He was allowed \$1,000.

The next four vouchers are in the name of Anthony S. Jay. He was a clerk; and I knew

very well that he rendered the service of a clerk to the chief quartermaster in the field ; and I knew he rendered the service during the time claimed, with the exception of a portion of the month of May. He told me they allowed pay to commence on the 1st of May, and he did not commence until some time after that. I allowed him, instead of \$300 for the first two months, \$225. The rest of the amount claimed for pay was reasonable, \$150 a month.

The next is J. W. Alley; the amount claimed, \$4,597; the amount allowed was \$3,363.40.

I may say generally that the clothing was generally charged about 33 $\frac{1}{3}$ per cent. too high. But it was difficult to fix the value, because "a coat" might mean anything worn for such a garment. And where it was difficult to fix the prices, I had to take the articles at the prices quoted at the time.

Thomas H. Alden claimed for service. This service was rendered, and I cut down the claim from \$750 to \$500.

R. Alden claimed for service \$540; service rendered; \$450 allowed.

W. P. Armstrong furnished beds.

Bruce & Wright, of Virginia City, had a claim for \$1,117 for printing blanks and publishing advertisements. The service was actually rendered, but the price was too high; \$588.50 allowed.

George Booker had a claim for service of \$720. The service was rendered as wagon-master. The amount awarded is \$480.

Martin Blakely, for transportation, charged \$2,376, and was allowed \$1,584.

John Blake furnished fuel. He claimed \$1,125, and was allowed \$675.

N. J. Bond had seven vouchers. He absolutely furnished a considerable quantity of stock, articles of outfit, and some provisions, and furnished trains also. Most of his vouchers are sold, and in most cases the awards have been made to the lawful owner, the question of ownership here being not ascertained or in dispute.

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No. 4.—List of claims reported on, with amounts of awards, and names of parties entitled to relief.

Number.	Vouchers.	Amount of vouchers, claims.	Amount recommend- ed to be allowed.	Names of parties en- titled to relief.	For what vouchers were issued.
1	Allen, Joseph H.	\$1, 750 00	\$1, 000 00	Lawful owner	Rent.
2	Anthony, S. J.	300 00	225 00	do	Services.
3	do	450 00	450 00	Receiver Ocean Na- tional Bank.	Do.
4	do	150 00	150 00	Lawful owner	Do.
5	do	150 00	150 00	Hughes & Bissell	Do.
6	do	150 00	150 00	do	Do.
7	Alley, J. W., (agent) ..	5, 497 00	3, 363 40	do	Clothing.
8	Alden, Thomas H.	750 00	500 00	Deitch Bros	Services.
9	Alden, R.	540 00	450 00	J. J. Hull	Do.
10	Armstrong, W. P.	900 00	600 00	W. P. Armstrong.	Books.
11	do	1, 573 00	1, 210 00	do	Do.
12	do	240 00	160 00	do	Do.
13	Bruce & Wright	1, 177 00	588 50	Lawful owner	Printing blanks and pub- lishing advertisements.
14	Booker, George	720 00	480 00	George Booker	Services.
15	Blakely, Martin	2, 376 00	1, 584 00	Receiver Ocean Na- tional Bank, N. Y.	Hire of transportation.
16	Blake, John	1, 125 00	675 00	Robert Watson	Fuel.
17	Bond, N. J.	181 00	103 44	Lawful owner	Miscellaneous stores.
18	do	2, 232 00	1, 488 00	do	Hire of transportation.
19	do	792 00	528 00	do	Do.
20	do	576 00	384 00	do	Do.
21	do	400 00	160 00	do	Horses.
22	do	202 25	127 52	John Linder	Subsistence.
23	do	1, 368 00	912 00	Lawful owner	Hire of transportation.
24	Black, L. M.	5, 000 18	2, 299 00	McMann & Cudlipp.	Forage.
25	do	480 00	432 00	do	Wagon-sheets.
26	do	60 00	20 25	do	Sugar.
27	do	5, 305 00	3, 386 25	do	Arms, and horse equip- ments.
28	do	26, 145 00	10, 080 00	do	Horses.
29	do	1, 344 00	1, 120 00	do	Hire of teams.
30	do	1, 102 90	760 71	do	Miscellaneous stores.
31	do	472 00	339 25	McMann & Cudlipp.	Miscellaneous stores.
32	do	2, 000 00	919 60	Receiver Ocean Na- tional Bank, N. Y.	Forage.
33	do	3, 799 87	1, 747 10	Edward Chase	Do.
34	do	933 80	429 40	P. H. Beadles	Do.
35	do	400 20	184 00	H. Siegel	Do.
36	do	7, 250 00	3, 333 30	Deitch Bros	Do.
37	do	4, 966 45	1, 597 50	Eugene Commiskey.	Do.
38	do	4, 980 00	1, 920 00	do	Horses.
39	do	6, 138 75	2, 677 50	Lawful owner	Do.
40	do	5, 778 00	2, 463 40	do	Do.
41	do	5, 220 00	2, 400 00	L. W. Black	Do.
42	do	493 00	226 70	C. Townsend	Do.
43	do	507 50	233 40	L. W. Black	Do.
44	do	6, 499 50	2, 891 70	do	Do.
45	do	3, 480 00	1, 600 00	do	Do.
46	do	374 97	172 40	Lawful owner	Do.

No. 4.—List of claims, &c.—Continued.

Number.	Vouchers.	Amount of vouchers, claims.	Amount recommend- ed to be allowed.	Names of parties en- titled to relief.	For what vouchers were issued.
47	Black, L. M.	\$2, 175 00	\$1, 000 10	Phillips & Freeland...	Forage.
48	do	493 00	226 70	L. M. Black	Do.
49	do	4, 350 00	2, 000 00	J. J. Hull	Do.
50	do	507 50	233 40	Lawful owner.....	Do.
51	do	1, 015 00	466 70	C. Townsend, assignee.	Do.
52	do	17, 777 00	8, 173 40	Hughes & Bissell	Do.
53	do	14, 862 50	6, 833 40	James Seligman	Do.
54	do	800 00	400 00	Lawful owner.....	Mules.
55	do	17, 837 25	5, 737 50	James Seligman	Forage.
56	do	499 96	229 90	Lawful owner.....	Do.
57	do	508 95	234 00	C. Townsend, assignee.	Do.
58	Bean, F. A.	330 00	160 00	O. O. Cullen	2 horses.
59	Booge, H. D. & Co.	155 00	77 50	H. D. Booge	Canteens.
60	do	560 00	357 50	do	Blankets, &c.
61	do	400 00	275 00	do	Do.
62	do	62 40	39 00	do	Wagon-grease.
63	do	16 00	12 00	do	Sugar.
64	do	16 50	11 88	do	Rope.
65	Bartruff, John J.	35 00	25 00	J. S. Bartroff	1 revolver.
66	Bailey, R. O.	65 00	35 10	A. Scheffler	Rope.
67	Bruce, J. P.	207 00	80 00	Lawful owner.....	Horse.
68	Collins, E. R.	75 00	56 25	Receiver Ocean Na- tional Bank, N. Y.	Rent.
69	Cover & McAdam	84 00	42 00	T. C. Stevens and J. M. Ryan.	Hire of teams.
70	do	1, 746 38	1, 204 40	do	Forage.
71	do	823 50	549 00	Deitch Bros.	Do.
72	do	3, 803 77	2, 487 48	Lawful owner.....	Do.
73	Cover, T. H.	2, 204 00	1, 160 00	T. C. Stevens and J. M. Ryan.	Subsistence.
74	Camblin, J. L.	68 50	68 50	Julius Kraemer.....	Services.
75	Cannon, C. W., & Co..	29 50	22 13	C. W. Cannon	Subsistence.
76	Carrol & Steele	547 90	298 85	Lawful owner.....	Do.
77	do	15 76	11 34	do	Rope.
78	Clark, Conrad & Miller	317 00	228 47	Party authorized to liquidate accounts of C., C., & M.	Miscellaneous quarter- master's stores.
79	do	2, 595 50	1, 749 54	do	Do.
80	do	1, 488 63	953 43	do	Do.
81	do	126 00	84 00	Clark & Conrad	Rent.
82	Coberly, Joseph G.	1, 138 00	936 00	J. G. Coberly.....	Hire of teams.
83	Clark, James.	405 00	324 00	Hughes & Bissell	Services.
84	Crane, Robert.	540 00	375 00	E. Creighton & Co.	Rent.
85	Castner, J. M.	1, 025 00	800 00	Lawful owner.....	Do.
86	Creighton, John A.	274 69	158 65	C. L. Dahler.....	Subsistence.
87	Coggins, T. H.	8 50	4 00	D. C. Corbin.....	Lariats.
88	do	121 00	101 50	do	Arms and ammunition.
89	do	66 20	45 37	do	Subsistence.
90	Chandler, Calvin H. ..	163 50	114 50	Hughes & Bissell	Services.
91	Cummings, Hamilton.	1, 290 00	630 00	J. J. Hull	Rent.
92	Cooper, F.	225 00	150 00	Weber & Wolff.....	Services.
93	do	1, 015 00	150 00	O. O. Cullen	Do.
94	Couch & Drew.....	4, 945 28	3, 090 80	Lawful owner.....	Hauling ordnance stores.
95	do	1, 556 00	972 50	John Van Valkenberg.	Do.
96	do	13, 614 72	8, 509 20	Couch & Drew.....	Do.
97	do	2, 274 40	1, 421 50	do	Do.
98	do	1, 186 24	741 40	awful owner.....	Do.
99	do	540 00	337 50	do	Do.
100	do	609 12	380 80	do	Do.
101	Campbell, James B.	150 00	150 00	James B. Campbell....	Cartridges.
102	Carpenter, Benjamin..	112 00	110 00	A. H. Beattie.....	Services.
103	Condon, John.....	425 00	221 00	Lawful owner.....	Horses, &c.
104	Conner, J. T.	300 00	150 00	do	Rent.
105	Conley, J. J.	1, 400 00	560 00	do	Horses and saddles.
106	do	75 00	52 50	do	Bridles.
107	Davidson, Charles	1, 076 32	637 13	do	Subsistence.
108	Davidson, Joseph	750 00	625 00	Phillips & Freeland ..	Services.
109	Dunlevy, James.....	518 00	259 00	James F. Brown	Medical stores.
110	Donaldson, C. B.	2, 894 00	2, 462 00	C. B. Donaldson.....	Clothing.
111	Deegan & Watkins....	50 00	40 00	Ross Deegan.....	Scales.
112	do	458 00	255 00	do	Rent and clothing, &c.
113	Durgan, A. C.	165 00	80 00	Mrs. A. C. Durgan	Horse.
114	Daems, L.	1, 445 00	727 50	L. Daems	Medical stores.

No. 4.—List of claims, &c.—Continued.

Number.	Vouchers.	Amount of vouchers, claims.	Amount recommend- ed to be allowed.	Names of parties en- titled to relief.	For what vouchers were issued.
115	Daems, L	\$63 00	\$31 50	L. Daems	Medical stores
116	do	55 25	27 75	do	Do.
117	Eckle, Martin	52 50	42 00	Deitch Bros.	Services.
118	Erskine, William	203 70	169 75	William Erskine	Subsistence.
119	do	750 00	275 00	do	Forage.
120	Ebert, E. B.	63 70	49 14	E. B. Ebert	Subsistence.
121	do	120 00	84 30	do	Do.
122	do	75 60	50 40	do	Do.
123	do	108 20	72 13	do	Do.
124	Ellis Brothers	2,290 00	1,545 00	Receiver Ocean Nat'l Bank, New York.	Clothing and blankets.
125	do	3,300 00	3,140 00	Mrs. S. Abrahams	Do.
126	Erickson, Nicholas	80 00	56 00	Julius Kramer	Saddles.
127	Fisk & Stewart	143 00	71 50	R. E. Fisk	Printing blanks and pub- lishing advertisements.
128	do	546 00	273 00	do	Do.
129	Farwell, M. C.	50 00	50 00	Lawful owner	Carbine and ammuni- tion.
130	do	500 00	375 00	M. C. Farwell	Services.
131	Farwell & Harper	250 00	187 50	do	Hire of blacksmith's tools.
132	do	2,506 75	1,879 06	do	do
133	do	2,413 00	1,809 75	do	Miscellaneous stores.
134	Ford, Thomas	160 00	120 00	Thomas Ford	Saddles.
135	Foster, William	171 25	171 25	J. J. Hull	Services.
136	Freeland, William	35 00	25 00	William Freeland	1 carbine.
137	Goldberg, L	786 00	554 00	L. Goldberg	Blankets and pants.
138	Gay, Lewis & Co.	366 00	255 25	Thomas E. Davis	Boots, &c.
139	Garrett, Colwell & Co.	749 50	500 67	W. C. Lobenstein	Spurs, &c.
140	Goldberg, Norris & Bros.	9,387 00	7,866 10	Lawful owner	Clothing.
141	Gilbert & Richter	150 00	90 00	Gilbert & Richter	Fuel.
142	Gibson, James	600 00	400 00	J. J. Hull	Rent.
143	Grooms, James	63 75	48 75	H. Siegel & Co	Services.
144	Gibbons, W. R.	100 00	75 00	J. W. Ryan	Rent.
145	Gibson, W. R.	375 00	300 00	L. W. Black	Services.
146	Garcid, Joseph	80 00	62 00	Phillips & Freeland	Do.
147	Grant, John F.	1,000 00	500 00	John F. Grant	Mules and horses.
148	do	2,400 00	960 00	do	Horses.
149	do	400 00	160 00	do	Do.
150	do	3,000 00	1,200 00	do	Do.
151	do	1,400 00	560 00	do	Do.
152	do	2,000 00	800 00	do	Do.
153	do	400 00	160 00	do	Do.
154	Giddings, Charles E.	150 00	125 00	W. P. Armstrong	Services.
155	Gupl, S. P.	650 00	500 00	R. S. Hale'	Do.
156	Gordon, Frank	375 00	300 00	A. H. Beattie	Do.
157	Holloway, George G.	75 00	50 00	J. B. Gray	Ferry-boat.
158	do	35 00	25 00	do	One coffin.
159	Howard, G. C.	40 00	30 00	Lawful owner	Ferriage.
160	do	780 00	520 00	do	Pack-saddles, &c.
161	do	300 00	200 00	do	Services.
162	Hancock, E.	429 15	286 10	Receiver Ocean Nat'l Bank, New York,	Subsistence.
163	Hamilton, W. F.	18 00	12 00	Lawful owner	Do.
164	Higgins, George	210 00	146 75	do	Miscellaneous stores.
165	do	1,230 00	894 00	do	Saddles and blankets.
166	Harrison, N.	158 40	105 60	H. P. Wade	Subsistence.
167	Hineman, Jacob	22 50	20 00	Phillips & Freeland	One rifle.
168	Harper, W.	500 00	375 00	Lawful owner	Services.
169	Hupp, James	122 50	96 00	Isadore Strasberger	Do.
170	do	232 00	119 50	do	Do.
171	Hurley, E. H.	39 50	22 50	Deitch Bros.	Do.
172	do	52 50	42 00	do	Do.
173	Howe, John	1,846 00	1,246 50	T. C. Stevens	Saddles.
174	do	100 00	64 33	do	Ordnance stores.
175	do	90 00	60 00	do	Blankets.
176	do	360 00	270 00	do	Clothing.
177	do	947 50	618 75	do	Miscellaneous stores.
178	do	112 50	67 50	do	Rope.
179	do	154 75	106 20	do	Miscellaneous articles.
180	Havaner, A.	16,791 00	8,039 00	Hazard Powder Com- pany.	Subsistence.

No. 4.—List of claims, &c.—Continued.

Number.	Vouchers.	Amount of vouchers, claims.	Amount recommend- ed to be allowed.	Names of parties en- titled to relief.	For what vouchers were issued.
181	Havaner, A	\$5,191 15	\$2,532 82	J. J. Hull	Subsistence.
182	do	9,493 85	4,244 15	Lawful owner	Do.
183	do	1,035 00	400 00	C. Townsend, assignee of O. H. Viergatz.	Horses.
184	do	4,301 00	1,934 00	Lawful owner	Horses and equipments.
185	do	4,305 00	1,944 00	Deitch Bros.	Do.
186	do	4,266 00	1,939 50	do	Do.
187	do	223 20	146 05	C. Townsend, assignee of O. H. Viergatz.	Miscellaneous stores.
188	do	1,282 80	594 30	Deitch Bros.	Subsistence.
189	Hovaker, B. C	96 00	74 00	Receiver Ocean Nat'l Bank, New York.	Do.
190	do	1,014 00	702 00	Orr & Lindsley	Boots.
191	Hancock & Fleisch- man.	780 00	360 00	Receiver Ocean Nat'l Bank, New York.	Horse and mules.
192	do	2,310 00	1,650 00	do	Subsistence.
193	Hartwell, Jurgenson & Co.	579 08	434 56	H. J. & Co	Lumber and stone build- ing.
194	do	87 50	75 00	do	Lumber.
195	do	1,200 00	600 00	do	Rent.
196	do	600 00	300 00	do	Do.
197	Higgins, Travis & Bro.	18,200 00	8,000 00	M. Moore	Horses.
198	do	300 00	200 00	do	Tents.
199	do	6,864 00	1,200 00	Higgins, Travis & Bro	Hire of teams.
200	do	1,188 00	792 00	do	Do.
201	do	7,167 00	3,745 00	do	Horses, mules, and har- ness.
202	do	500 00	324 00	C. Rubens & Co	Lariats.
203	do	500 00	250 00	F. A. Shields	Spurs.
204	do	1,850 00	1,000 00	Receiver Ocean Na- tional Bank, N. Y.	Bridles.
205	do	5,000 00	3,500 00	do	Saddles.
206	do	2,067 50	1,527 50	do	Forage.
207	do	1,458 00	360 00	do	Hire of horses.
208	Hooper, Thos., & Lewis	3,901 00	2,440 00	T. & L. Hoopes	Clothing.
209	do	477 50	280 46	do	Miscellaneous stores.
210	do	412 00	331 20	do	Do.
211	do	482 75	292 65	Lawful owner	Do.
212	do	546 00	280 00	T. & L. Hoopes	Clothing.
213	do	100 00	57 46	Lawful owner	Miscellaneous stores.
214	Horr, Henry R.	520 00	429 17	J. L. Horr	Services.
215	do	1,072 00	721 00	do	Blankets and coats.
216	do	4,027 00	2,399 25	do	Miscellaneous articles.
217	Hale, R. S.	193 00	96 50	R. L. Hale	Drugs and medicines.
218	do	126 50	63 25	do	Do.
219	do	153 00	76 50	do	Do.
220	do	101 00	50 50	do	Do.
221	do	54 00	27 00	do	Do.
222	do	209 31	104 65	do	Do.
223	do	329 75	164 87	do	Do.
224	do	103 75	51 87	do	Do.
225	do	139 00	69 50	do	Do.
226	Herman, William	61 00	61 00	W. Herman	Furniture.
227	do	112 00	84 00	do	Rent.
228	do	243 50	67 00	do	Do.
229	Hartwell & Co	2,466 58	1,490 56	Joseph W. Hartwell ..	Rent, lumber, &c.
230	Irving, James C	410 00	337 50	J. J. Hull	Services.
231	do	600 00	495 83	H. Siegel & Co	Do.
232	Ingersoll, J	381 60	209 62	J. Ingersoll	Subsistence.
233	do	96 00	47 34	do	Do.
234	do	151 65	90 99	do	Rope.
235	Joseph, Alfred	471 75	301 75	John M. Wallace	Services.
236	Jones, Peter	75 00	60 00	W. F. Saunders	Do.
237	Jones, Rival	45 00	30 00	M. H. Lott	Musket.
238	James, John	125 00	67 50	John James	Pistol and ammunition.
239	Kramer, Julius	224 00	168 00	J. Kramer	Miscellaneous stores.
240	do	498 00	369 00	do	Do.
241	do	259 20	194 00	do	Do.
242	do	1,000 00	750 00	do	Do.
243	do	750 00	562 00	do	Services.
244	King & Gillette	105 75	75 00	King & Gillette	Subsistence.
245	do	72 00	48 00	do	Clothing.
246	Knight, Joseph	3,174 00	2,539 20	Joseph Knight	Do.

No. 4.—List of claims, &c.—Continued.

Number.	Vouchers.	Amount of vouchers, claims.	Amount recommend- ed to be allowed.	Names of parties en- titled to relief.	For what vouchers were issued.
247	Knight, Joseph.....	\$1, 124 00	\$899 20	Joseph Knight.....	Clothing.
248	Knight, J. M.....	30 00	20 00	Lawful owner.....	Axes.
249	do.....	176 30	123 45	do.....	Subsistence.
250	do.....	172 00	86 00	do.....	Rent.
251	Kearney, Matthew.....	80 00	60 00	J. M. Ryan.....	Saddles.
252	Kirkendall, Hugh.....	41, 049 62	23, 122 37	M. H. Insley.....	Subsistence.
253	do.....	7, 800 00	5, 460 00	do.....	Hire of teams.
254	do.....	7, 800 00	5, 460 00	do.....	Do.
255	do.....	7, 800 00	4, 368 00	do.....	Do.
256	do.....	11, 700 00	8, 190 00	do.....	Do.
257	do.....	240 00	150 00	do.....	Saddles.
258	do.....	11, 700 00	8, 190 00	L. M. Black.....	Hire of teams.
259	Kiloran, William.....	640 00	320 00	F. R. Merk.....	Hire of team.
260	do.....	128 00	128 00	do.....	Services.
261	Lowry, A. G.....	2, 141 66	1, 702 00	A. G. Lowry.....	Miscellaneous stores.
262	do.....	350 00	280 00	do.....	Saddles.
263	Lemon, Robert H.....	49 50	33 00	C. A. Morris.....	Ammunition.
264	do.....	1, 086 33	585 56	Robert H. Lemon.....	Subsistence.
265	do.....	1, 644 50	1, 089 65	Charles A. Morris.....	Miscellaneous stores.
266	do.....	315 00	140 00	do.....	Medical stores.
267	Leitch, John.....	400 00	160 00	M. Moore.....	Horses.
268	do.....	230 00	108 00	do.....	Horse, saddle, and bridle.
269	La Croix & Owings.....	16 00	12 00	La Croix & Owings.....	Blankets.
270	do.....	14 00	10 56	do.....	Subsistence.
271	do.....	198 00	176 00	do.....	Do.
272	do.....	29 75	25 50	do.....	Do.
273	Lamb, G. W.....	545 40	334 00	D. R. Leepen.....	Horse-shoes and nails.
274	do.....	456 00	228 00	do.....	Services.
275	Leggett, R. D.....	498 00	342 00	R. D. Leggitt.....	Tents, &c.
276	Low, William.....	118 00	118 00	A. H. Beattie.....	Services.
277	do.....	74 00	72 00	do.....	Do.
278	Mansfield, W. M.....	525 00	309 75	W. M. Mansfield.....	Miscellaneous stores.
279	Mulvilhill, Lawrence.....	3, 356 00	1, 572 00	J. T. Sullivan.....	Horses, mules, & equip- ments.
280	Mayer, L.....	84 00	42 00	D. Lincoln.....	Whisky.
281	do.....	311 00	167 94	do.....	Rope.
282	Marx, M.....	3, 925 00	2, 485 00	Lawful owner.....	Subsistence.
283	Meagher & Redfield.....	149 00	124 00	W. F. Saunders.....	Bake-oven, &c.
284	McAndrews, James S.....	37 50	28 12	Lawful owner.....	Rent.
285	Marsh, Fred.....	295 00	232 00	do.....	Services.
286	Mullin, Bernard.....	136 80	64 12	J. M. Ryan.....	Subsistence.
287	Morse, E. & B.....	2, 400 00	1, 200 00	Lawful owner.....	Hire of pack-animals.
288	do.....	2, 480 00	1, 240 00	Receiver of Ocean Na- tional Bank, N. Y.	Do.
289	do.....	956 31	684 85	Lawful owner.....	Subsistence.
290	Morse, E.....	672 00	480 00	do.....	Beef.
291	Morse, E. & B.....	1, 398 75	939 76	B. Morse.....	Miscellaneous articles.
292	do.....	4, 003 50	2, 945 40	Lawful owner.....	Clothing.
293	do.....	1, 600 00	800 00	Phillip Thorpe.....	Hire of pack-animals.
294	Morse, E.....	9, 400 00	4, 835 00	S. H. Bohm.....	Subsistence.
295	Mansfield, E. S.....	1, 133 00	755 34	Lawful owner.....	Miscellaneous stores.
296	McFadden, Wallace.....	40 00	25 00	R. H. Lemon.....	One carbine.
297	Merk, F. R. & Co.....	180 00	120 00	F. R. Merk.....	Miscellaneous quarter- master stores.
298	do.....	403 00	212 59	do.....	Do.
299	do.....	434 60	289 73	Lawful owner.....	Do.
300	do.....	2, 596 87½	1, 607 91	do.....	Do.
301	do.....	459 50	311 92	F. R. Merk.....	Do.
302	do.....	52 00	26 00	do.....	Do.
303	do.....	103 50	74 01	do.....	Do.
304	do.....	460 00	99 01	do.....	Do.
305	do.....	450 80	280 22	do.....	Do.
306	do.....	742 50	477 00	do.....	Do.
307	do.....	57 00	38 00	do.....	Do.
308	do.....	2, 067 55	1, 245 62	do.....	Do.
309	do.....	1, 435 45	956 96	do.....	Do.
310	do.....	1, 451 65	987 05	do.....	Do.
311	Merk, F. R.....	790 00	330 00	do.....	Do.
312	Montana Mineral Land and Mining Company.	1, 700 00	1, 275 09	Montana Mineral Land and Mining Company.	Arms, &c.
313	O'Donnell, John.....	878 00	592 00	National Bank of Ga- lena.	

No. 4.—List of claims, &c.—Continued.

Number.	Vouchers.	Amount of vouchers, claims.	Amount recommen- ded to be allowed.	Names of parties en- titled to relief.	For what vouchers were issued.
314	O'Donnell, John	\$600 00	\$400 00	J. M. Palmer	Shoeing horses.
315	do	48 00	48 00	A. Scheffler	Rent.
316	Orrick, William	141 50	111 50	David Lincoln	Services.
317	Olinghouse, Elias & Co.	55 00	50 00	D. C. Corbin	One tent.
318	Prevost, Medrick	150 00	125 00	Receiver of Ocean Na- tional Bank, N. Y.	Services.
319	Parham, J. J.	295 36	196 90	Blum Engesser	Subsistence.
320	Poitras, Isaac	750 00	500 00	T. St. Amour	Services.
321	Payne, R.	270 00	180 00	F. Scharwitz	Do.
322	Penwell, O.	190 00	100 00	Receiver of Ocean Na- tional Bank, N. Y.	Flour.
323	Phillips, William	40 00	30 00	D. C. Corbin	Two carbines.
324	Phillips & Freeland	28 20	14 30	Receiver of Ocean Na- tional Bank, N. Y.	Subsistence.
325	do	5,356 12	3,825 80	Phillips & Freeland	Beef.
326	do	5,294 52	3,781 80	do	Do.
327	do	5,224 24	3,731 60	do	Do.
328	do	2,904 72	2,075 80	do	Do.
329	do	1,484 00	1,060 00	do	Do.
330	do	395 36	282 40	do	Do.
331	do	60 00	30 00	do	Wagon-grease.
332	do	2,376 00	1,584 00	do	Hire of teams.
333	do	5,940 00	3,960 00	do	Do.
334	do	6,138 00	4,092 00	do	Do.
335	do	6,138 00	4,092 00	do	Do.
336	do	5,940 00	3,960 00	do	Do.
337	do	5,742 00	3,828 00	do	Do.
338	do	1,270 00	893 00	do	Miscellaneous stores.
339	do	4,230 00	1,800 00	do	Mules.
340	Powell, Joseph	143 33	141 66	E. Creighton & Co	Services.
341	Power, T. C.	5,676 50	3,646 00	T. C. Power	Saddles, bridles, &c.
	Patton, F. E. W.			Rejected	
342	Russell, L.	3,925 00	2,485 00	J. J. Hull	Subsistence.
343	Rouse & McCracken	150 00	125 00	T. B. Gray	Services.
344	Ryan, James M.	50 00	40 00	J. M. Ryan	One tent.
345	do	80 00	60 00	do	Two saddles.
346	do	60 00	50 00	do	Do.
347	Robinson, James	223 25	174 25	W. F. Sanders	Services.
348	Rockfellow, J. J.	17,561 74	8,090 12	Estate of J. J. Rockfel- low.	Subsistence.
349	do	257 50	140 90	do	Miscellaneous stores.
350	do	112 50	46 80	do	Do.
351	Reynolds, Stephen	3,913 80	2,148 50	T. G. Hadley	Arms and ammunition.
352	do	180 00	60 00	do	Ammunition.
353	do	3,007 01	1,425 10	do	Arms and ammunition.
354	do	76 00	40 00	do	Flour.
355	do	423 50	229 76	do	Miscellaneous articles.
356	Robins, James	112 75	112 75	David Lincoln	Services.
357	Rand & Willis	64 00	40 00	H. S. Willis	Fuel.
358	do	896 00	560 00	do	Do.
359	Richand, John	2,500 00	1,250 00	Lawful owner.	Buffalo robes.
360	Redick, William F.	90 83	68 12	O. B. Barber	Rent.
361	Rodgers, W. H.	171 00	108 00	W. H. Rodgers	Blankets.
362	Sheridan, Thomas	40 00	30 00	Receiver of Ocean Na- tional Bank, N. Y.	Saddle.
363	Story, Nelson	510 00	331 00	do	Miscellaneous stores.
364	do	1,350 50	729 00	do	Subsistence.
365	Simpson & Warner	297 00	198 00	Hosmer & Co	Do.
366	Stafford, W. M.	75 00	37 50	J. J. Hull	Rent.
367	Spencer, L.	810 00	540 00	Deitch Brothers	Services.
368	Sill, S. B.	202 50	158 00	E. Creighton & Co	Do.
369	Schoof, Louis	500 00	375 00	do	Do.
370	Sparks & McPherson	25 60	15 36	Sparks & McPherson	Subsistence.
371	do	600 00	500 00	do	Boots.
372	do	18 00	13 50	do	Bacon.
373	do	400 00	160 00	do	Horses.
374	Seagrave, William J.	202 50	158 00	H. Siegel	Services.
375	Sands, Julius	2,245 00	1,835 00	Julius Sands	Clothing.
376	St. Amour, Theophile	1,176 00	784 00	T. St. Amour	Miscellaneous stores.
377	do	1,203 75	802 50	Lawful owner	Do.
378	do	500 00	333 33	do	Services.
379	do	500 00	333 34	do	Do.
380	Smith, A. W.	342 00	221 50	do	Subsistence.

No. 4.—List of claims, &c.—Continued.

Number.	Vouchers.	Amount of vouchers, claims.	Amount recommend- ed to be allowed.	Names of parties en- titled to relief.	For what vouchers were issued.
381	Smith, A. W	\$1,800 00	\$900 00	Lawful owner	Mules.
382	do	2,000 00	1,000 00	do	Do.
383	do	4,000 00	2,000 00	do	Do.
384	do	1,200 00	780 00	do	Miscellaneous articles.
385	do	2,328 00	1,226 70	do	Subsistence.
386	do	375 00	250 00	do	Harness.
387	Strawley, Charles	58 00	58 00	A. Schefflen	Services.
388	Saunders, W. F.	1,125 00	562 50	Lawful owner	Rent.
389	Saunders, Cole	347 00	190 00	R. Lockey	Pistols, &c.
390	do	216 00	155 00	do	Quartermaster's stores.
391	do	455 50	375 00	do	Boots, &c.
392	do	864 00	720 00	do	Do.
393	Shields, F. A.	1,050 00	750 00	F. A. Shields	Services.
394	Siegel & Co.	8,545 00	6,440 00	H. Siegel & Co.	Clothing, &c.
395	do	2,094 00	1,658 00	do	Do.
396	Thomas, J.	399 98	285 70	Receiver of Ocean Na- tional Bank, N. Y.	Subsistence.
397	Tracy & Bealle	486 00	324 00	T. B. Gray	Do.
398	Thompson, W. G.	375 00	300 00	E. Creighton & Co.	Services.
399	Thompson, G. W.	1,000 00	500 00	Receiver of Ocean Na- tional Bank, N. Y.	Do.
400	Thompson, William E.	116 00	78 00	Lawful owner	Do.
401	Tolbert, William	52 50	42 00	Deitch Brothers	Do.
402	Thornbun, John	656 00	406 00	John Thornbun	Hire of transportation.
403	do	524 00	380 00	do	Three mules, pine wood.
404	Taylor, Thompson & Co	200 00	100 00	T. G. Hadley	Flour.
405	do	61 00	38 00	Taylor & Rumsey	One saddle and 2 bridles.
406	do	152 50	94 90	do	Miscellaneous articles.
407	Tootle, Leach & Co	5,197 02	3,835 74	Tootle, Leach & Co.	Quartermaster's stores.
408	do	80 00	60 00	do	Wagon-sheets.
409	do	467 00	350 00	do	Blankets.
410	do	750 00	600 00	do	Rifles, spurs, &c.
411	Tutt & Donnell	1,746 50	1,280 00	Party authorized to li- quidate accounts in favor of Tutt & Don- nell.	Miscellaneous stores.
412	do	933 21	504 38	do	Subsistence.
413	do	1,520 00	1,140 00	do	Clothing.
414	Thiboda, Robert	2,040 00	1,020 00	Phillips & Freeland	Hire of pack animals.
415	do	3,600 00	1,800 00	Lawful owner	Do.
416	Tuller & Rich	78 00	60 00	Willson & Rich	Hire of teams.
417	do	90 00	60 00	do	Do.
418	do	223 75	192 00	do	Miscellaneous stores
419	do	1,305 00	870 00	do	Subsistence.
420	Tilton, D. W., & Co	162 50	121 87	O. B. Barbor	
421	do	107 00	80 25	do	
422	do	138 00	103 50	do	
423	do	247 25	165 76	do	
424	do	260 00	173 33	do	
425	do	344 00	229 33	do	
426	do	1,192 00	794 67	E. Cumiskey	
427	do	42 00	28 00	do	
428	do	191 00	127 34	J. J. Hull	
429	do	137 00	81 33	do	Publish'g advertisem'ts.
430	do	198 00	132 00	do	Stationery.
431	do	23 00	15 34	do	Do.
432	do	284 50	189 67	do	Printing blanks.
433	do	79 50	53 00	do	Printing and stationery.
434	do	270 00	180 00	do	Printing vouchers.
435	Tagert, Jos. R	1,824 00	1,216 00	Lawful owner	Hire of teams.
436	do	2,100 00	800 00	W. C. Griswold	Horses.
437	do	1,680 00	640 00	do	Do.
438	do	630 00	240 00	Lawful owner	Do.
439	do	1,050 00	400 00	W. C. Griswold	Do.
440	do	420 00	160 00	do	Do.
441	do	200 00	140 00	do	Saddles.
442	do	840 00	320 00	do	Horses.
443	do	200 00	140 00	Lawful owner	Saddles.
444	do	170 00	136 00	W. C. Griswold	Forage.
445	do	70 00	56 00	do	Do.
446	do	105 00	70 00	do	Services.
447	do	165 00	74 25	Lawful owner	Forage.
448	do	130 00	58 50	J. Harringford	Forage.

No. 4.—List of claims, &c.—Continued.

Number.	Vouchers.	Amount of vouchers, claims.	Amount recommend- ed to be allowed.	Names of parties en- titled to relief.	For what vouchers were issued.
449	Tagert, Jos. R.	\$160 00	\$72 00	Lawful owner	Forage.
450	do	140 00	112 00	do	Do.
451	do	100 00	80 00	do	Do.
452	do	830 00	320 00	do	Horses.
453	do	200 00	140 00	do	Saddles.
454	do	200 00	140 00	do	Do.
455	do	1,470 00	560 00	do	Horses.
456	do	120 00	54 00	do	Arms.
457	do	442 50	181 75	do	Horses and equipments.
458	do	200 00	140 00	do	Saddles.
459	do	14,317 50	5,520 00	do	Horses.
460	do	1,064 70	684 45	do	Forage.
461	do	207 50	80 00	do	Horses.
462	do	5,250 00	2,000 00	W. C. Griswold	Do.
463	do	1,499 19	1,042 62	Lawful owner	Forage.
464	do	2,060 00	846 00	do	Horses and mules.
465	do	520 00	234 00	do	Forage.
466	do	622 50	240 00	do	Horses.
467	do	152 00	86 40	do	Rope.
468	do	630 00	240 00	W. C. Griswold	Horses.
469	do	150 00	108 00	H. Schwenk	Saddles and blankets.
470	do	8,092 50	3,120 00	Lawful owner	Horses.
471	do	1,260 65	785 53	do	Forage.
472	do	3,527 50	1,360 00	do	Horses.
473	do	4,357 50	1,630 00	do	Do.
474	do	301 50	154 20	do	Subsistence.
475	do	3,650 08	2,607 20	do	Forage.
476	do	912 00	608 00	C. L. Dahlen	Hire of teams.
477	do	2,577 50	1,829 50	Lawful owner	Equipments.
478	do	120 00	85 00	do	Saddles.
479	do	80 00	56 00	do	Do.
480	do	560 00	252 00	do	Forage.
481	do	1,037 50	400 00	do	Horses.
482	do	5,250 00	2,000 00	do	Do.
483	do	255 00	135 00	do	Rent.
484	do	3,112 50	1,200 00	do	Horses.
485	do	287 50	136 00	do	Horses and saddles.
486	do	1,984 92	1,387 70	do	Forage.
487	do	120 00	54 00	do	Do.
488	do	80 00	64 00	do	Forage.
489	do	210 00	80 00	do	Horse.
490	do	840 00	320 00	do	Horses.
491	do	630 00	240 00	do	Do.
492	do	287 50	136 00	do	Horse and saddles.
493	do	207 50	80 00	do	Horse.
494	do	207 50	80 00	do	Do.
495	do	120 00	80 00	do	Rent.
496	do	80 00	56 00	do	do
497	do	120 00	84 00	do	Forage.
498	do	622 50	240 00	do	do
499	Tubbs, George W.	95 00	47 50	G. W. Tubbs	Canteens.
500	Thompson, R. M.	302 75	227 50	F. A. Shields	Services.
501	Weber & Wolff	170 00	100 00	Weber & Wolff	Saddle-bags.
502	do	353 25	305 70	do	Miscellaneous stores.
503	do	522 00	420 30	do	Do.
504	do	550 00	290 00	do	Horses, and hire of horses.
505	do	35 00	30 00	do	Two bugles.
506	do	199 20	124 50	do	Subsistence.
507	do	3,303 30	2,450 13	do	Do.
508	Whitney, L. J.	825 00	550 00	O. N. O. Clough	Hire of teams.
509	Weston, William	67 50	54 00	P. H. Mullen	Services.
510	do	138 00	100 50	do	Do.
511	Weinstenk, Abraham	437 00	298 00	E. S. Higgins	Clothing.
512	do	512 00	376 00	do	Subsistence.
513	Walen, Jos. W.	106 00	106 00	Lawful owner	Services.
514	Westbrook, John	360 00	240 00	do	Do.
515	Wilkinson & Ronan	242 25	121 13	Wilkinson A Ronan	Printing blanks, &c.
516	Whipple, Chas., private	16 50	16 50	T. G. Hadley	Commutation of rations.
517	Ware, Ellis & Co.	987 65	635 24	Plant, Stickney & Co.	Subsistence.
518	do	338 00	225 42	do	Boots.
519	Wyant, John	30 00	20 00	Toodle Leach & Co.	One musket.
520	White, D. L.	66 00	66 00	J. M. Ryan	Services.

No. 4.—List of claims, &c.—Continued.

Number.	Vouchers.	Amount of vouchers, claims.	Amount recommend- ed to be allowed	Names of parties en- titled to relief.	For what vouchers were issued.
521	Williams, John	182 50	145 00	Hoopes Bros	Services.
522	Warren, H. L.	45 00	40 00	Receiver of Ocean Na- tional Bank, N. Y.	One rifle.
523	do	115 00	77 75	L. H. Warren	Revolvers, &c.
524	do	717 50	585 00	do	Services.
525	Waller, John R.	400 00	160 00	J. M. Ryan	Horses.
526	do	600 00	240 00	J. R. Waller	Do.
527	do	65 00	50 00	do	Tent.
528	do	4,000 00	1,600 00	do	Horses.
529	Yerkes, Henry	40 00	35 00	do	Carbine and ammuni- tion.
530	Waller, John R.	400 00	160 00	do	Horses.
531	do	5,000 00	2,000 00	do	Do.
532	do	5,000 00	2,000 00	do	Do.
534	do	200 00	80 00	do	Do.
535	do	200 00	80 00	do	Do.
536	do	90 00	60 00	do	Saddles.
537	do	800 00	320 00	do	Horses.
538	do	800 00	320 00	do	Do.
539	Welch, A.	182 25	137 25	A. Welch	Services.
	Total	821,886 21	456,504 21		

No. 5.—List of claims rejected.

No.	Name.	Amount.	Remarks.
1	J. J. Atchinson	\$240 00	This voucher is for a horse which was not delivered. The quartermaster who issued it received money thereon, which he claimed to have applied to the public service, but rendered no account.
2	L. M. Black	5,000 03½	The deliveries of forage, (in May, 1867,) for which these vouchers were issued, are not now claimed by L. M. Black as having been made.
3	do	1,450 00	
4	do	1,740 00	
5	do	8,120 00	
6	do	1,678 80	
7	A. W. S. Carpenter	210 00	Sale of private horse for public purposes not admitted. (Carpenter was an officer of the expedition.)
8	T. Chenidlier	600 00	Sale of three horses; denied having been made.
9	A. Haraner	2,175 00	
10	do	1,198 42½	These vouchers were issued for forage without the public receiving any forage or equivalent of any kind (it is believed) upon them.
11	do	2,105 98	
12	do	4,048 13	
13	do	1,000 06½	
14	do	525 00	
15	do	2,622 32	
16	do	893 92	
17	do	560 00	
18	do	625 00	
19	B. C. Hovaker	826 66½	Was a surgeon, commissioned, as a military officer. This is a claim for services, and is not within scope of investigation.
20	F. E. W. Patton	150 00	Damages for property destroyed by soldiers.
21	Lamb & Payne	1,291 25	(Duplicated.) Torn out.
22	Nelson Story	7,260 00	Nothing whatever was received on this voucher.
23	A. G. Smith	75 00	Same remarks as in "Havaner" case, see ante. (\$8,000 of these bad vouchers yet to come in.)
24	W. W. Watkins	999 92	
25	do	1,000 50	
26	do	2,093 57½	
27	do	1,999 98	
28	do	499 96	Item for rent. Rent not furnished nor any equivalent. (Herman item added in list of vouchers reported on.)
29	do	2,013 47	
30	do	9,178 50	
31	W. Herman	150 00	
		62,181 49	

List of claims suspended, and partially suspended, for want of proof.

No.	Name.	Amount.	Remarks.
SUSPENDED.			
1	J. W. Alley.....	\$408 00	Want of proof.
2	G. W. Burson.....	1,687 50	
3	do.....	2,600 00	Want of sufficient proof of delivery of property in kind, or in full equivalent.
4	do.....	1,351 00	
5	do.....	1,594 50	
6	do.....	329 25	
7	do.....	1,436 27	
8	do.....	465 57	Do.
9	Joseph Coseaux.....	1,000 00	
10	W. J. Givens.....	100 00	Want of proof.
11	Daniel Henry.....	1,887 73	Same remarks as "Burson."
12	James Hupp.....	86 00	Want of proof.
13	William Martin.....	5,100 00	Same as "Burson."
14	William McCracken.....	264 00	Do.
15	William McClatchey.....	402 00	Do.
16	do.....	3,306 78	
17	E. & B. Morse.....	851 15	Want of adequate proof of delivery.
17½	F. R. Merk.....	109 66	(Rent.) Want of proof.
18	M. Marx.....	15,064 00	Do.
19	H. E. Palmer.....	1,075 90	Do.
20	Rand & Willis.....	240 00	No delivery.
21	W. S. Scribner.....	6,567 15	Same remarks as "Burson."
22	Charles R. Stuart.....	1,600 00	Do.
23	do.....	309 77	
24	do.....	880 00	
24½	do.....	800 00	No proof of delivery for the benefit of the service.
25	David Shelby.....	1,180 00	
26	Henry Schwenk.....	672 00	
27	Joseph R. Tagert.....	140 00	Want of adequate proof of deliveries.
28	do.....	802 80	
29	do.....	868 60	
30	do.....	270 00	
31	do.....	753 97	
32	do.....	500 08	
33	do.....	428 33	
34	do.....	40 00	
		55,172 01	
PARTIALLY SUSPENDED.			
35	L. M. Black.....	\$374 97	Want of proof of full deliveries claimed. The suspension is partial. Amount suspended, \$41,947.91.
36	do.....	933 80	
37	do.....	400 20	
38	do.....	5,220 00	
39	do.....	493 00	
40	do.....	493 00	
41	do.....	7,250 00	
42	do.....	507 50	
43	do.....	17,777 00	
44	do.....	4,966 45	
45	do.....	14,862 50	
46	do.....	2,000 13	
47	do.....	3,799 87	
48	do.....	6,138 75	
49	do.....	6,499 50	
50	do.....	17,837 25	
51	do.....	3,480 00	
52	do.....	5,778 00	
53	do.....	499 96	
54	do.....	508 95	
55	do.....	2,175 00	
56	do.....	4,350 00	
57	do.....	507 50	
58	do.....	1,015 00	
59	do.....	5,000 18	
Amount suspended of above vouchers.....		41,947 91	

List of vouchers not heard from since the Chicago fire of October, 1871, and concerning which information is too incomplete to justify final disposition.

NOTE.—The following claims have been examined, but the records having been completely destroyed in their cases, and the holders not having presented them in time for this report, they cannot now be other than generally reported upon. An approximate estimate is made of the amount that ought to be appropriated to liquidate them. They are likely to be presented at any time.

No.	Name.	Amounts of voucher.	Estimated amount to be awarded.	Remarks.
1	Allen, John	\$108 00		Since come in, May 15, 1872.
2	Bradford, Clayton	45 00		
3	Butler, A. D	28 00		
4	do	97 50		
5	Burnette, John	111 25		
6	do	195 00		
7	Brawner, Thomas J	47 50		
8	Bakeman, J	75 00		
9	Beidler, John X	157 00		
10	Butler & Simonton	190 00		
11	Bortel, William	135 00		
12	do	50 40		
13	Casto, William	30 00		
14	Caffrey, John	35 00		
15	Cornell, F. C	420 00		
16	Conaday, Milton	483 50		
17	do	418 00		
18	do	38 00		
19	Crump, James P	625 00		
20	Cowan, Thomas J	375 00		
21	Curd, R. S.	40 00		
22	Carpenter, George	1,075 82		
23	Cleveland, Frank	523 08		
24	do	666 00		
25	Curtis, C. J. D.	400 00		
26	Davis, William	90 50		
27	Davis, George	40 00		
28	Douglass, Thomas	25 00		
29	Downey, James	160 00		
30	Davis, Thomas	75 04		
31	Edgington, T. J	234 75		
32	Edwards & Blackman	4,648 00		
33	Farrell, Thomas J	36 00		
34	do	172 00		
35	Foster, James	121 00		
36	do	136 00		
37	Fall, A.	30 00		
38	Fisher, Robert	11 75		
39	Foyler, Dominick	35 00		
40	Foster, Fletcher	40 00		
41	French & Thomas	216 25		
42	Gerrard, Joseph	25 00		
43	Goffrey, John	120 00		
44	Gallagher, J. M	412 00		
45	Glick & Maupin	205 00		
46	Giddings, Charles E	825 00		
47	Hynson, G. W.	50 00		
48	do	100 00		
49	Huston, George A	91 00		
50	Harrison, James H	90 00		
51	Holcomb, Lyman	309 50		
52	Hoyt, E. M.	937 50		
53	Henderson, J. T	40 00		
54	Hamlet, N	300 00		
55	Hamlin, P. D	20 00		
56	Hopley, Charles	42 50		
57	Hendrie, Charles	359 99		
58	do	845 50		
59	Hamilton, W	18 00		
60	Hoyt, P	769 60		
61	Johnson, Lee	123 25		
62	Jeffers, William	200 00		
63	Kriendal, Charles	53 00		
64	Kenck, Charles, sergeant	23 25		
65	Kingsley, John	75 00		
66	Kaiser, M., private	23 25		
67	Lane, Oliver	20 00		
68	Lamb, G. W	124 60		
69	do	240 00		
70	Lothridge, William	47 75		
71	Ludlow, F. M	160 50		
72	Martin, Sylvester	30 00		
73	Morrison, W. B	600 00		
74	McDonald, G. A	63 00		
75	Martin, A	40 00		

List of vouchers not heard from since the Chicago fire of October, 1871, &c.—Continued.

No.	Name.	Amounts of vouchers.	Estimated amount to be awarded.	Remarks.
76	Morrow, Harvey.....	\$300 00		Since come in, May 15, 1872.
77	Millin, Nick.....	600 00	.....	
78	Miner, William.....	60 00	.....	
79	Mitchell, W. A.....	400 00	.....	
80	do.....	60 00	.....	
81	do.....	18 00	.....	
82	Moore, Isaac J.....	297 50	.....	
83	Morehouse, L.....	175 00	.....	
84	Mans, George.....	100 00		{ 1 voucher, \$200 00 { 1 voucher, 63 00 { 1 voucher, 262 55 { 1 voucher, 200 00 { 1 voucher, 119 38
85	Ming, J. H.....	844 93	.....	
to			.....	
89			.....	
90	Niese, John.....	84 00	.....	
91	Nowland, James.....	245 00		Since came in, May 15, 1872.
92	Owens, Edwards.....	796 40	.....	
93	do.....	415 00	.....	
94	do.....	948 00	.....	
95	do.....	675 00	.....	
96	Overall, P.....	40 00	.....	
97	O'Connell, Ed.....	200 00	.....	
98	Oldham, George H.....	29 00	.....	
99	Pinney, George M.....	228 00		Since came in, May 15, 1872.
101	Parsons, N. M.....	70 50	.....	
102	Phillips, Edward.....	60 00	.....	
103	Prevost, Medrick.....	50 00	.....	
104	do.....	105 00	.....	
105	do.....	300 00	.....	
106	do.....	75 00	.....	
107	do.....	150 00	.....	
108	Rathburn, Charles.....	143 50		Since came in. Represented by E. L. Stanton.
109	do.....	106 25	.....	
110	Smith, H. F.....	25 00	.....	
111	do.....	50 00	.....	
112	St. Clair, James.....	100 00	.....	
113	Siegel, H., & Co.....	608 00	.....	
114	Spears, John.....	84 00	.....	
115	Stoddart, E. C.....	36 00		These vouchers, other than three for about \$3,000, which cannot be distinguished from the rest at present, are for forage, not delivered. When the three <i>bona-fide</i> vouchers can be discovered they may be allowed, at a reduced amount, but the remainder, amounting to about \$8,000, will be rejected.
116	Sheffler, A.....	120 00	.....	
117	Saunders, Cole.....	82 50	.....	
118	Snyder, S.....	810 00	.....	
119	Stone, Samuel.....	24 50	.....	
120	Simonton, W. Z.....	272 76	.....	
121	Seymour, J. H.....	125 02	.....	
122	Thompson, W. Z.....	60 00	.....	
123	Waggoner, Max.....	35 00	.....	
124	do.....	180 00	.....	
125	Weinshenk, A.....	6,354 00		These vouchers, other than three for about \$3,000, which cannot be distinguished from the rest at present, are for forage, not delivered. When the three <i>bona-fide</i> vouchers can be discovered they may be allowed, at a reduced amount, but the remainder, amounting to about \$8,000, will be rejected.
126	do.....	3,010 00	.....	
127	Watson Brothers.....	250 00	.....	
128	Watkins, W. W.....	504 42	.....	
129	do.....	500 70	.....	
130	do.....	992 92	.....	
131	do.....	1,157 10	.....	
132	do.....	1,217 13	.....	
133	do.....	1,000 50		These vouchers, other than three for about \$3,000, which cannot be distinguished from the rest at present, are for forage, not delivered. When the three <i>bona-fide</i> vouchers can be discovered they may be allowed, at a reduced amount, but the remainder, amounting to about \$8,000, will be rejected.
134	do.....	1,999 98	.....	
135	do.....	2,000 13	.....	
136	do.....	1,377 18	.....	
137	Wilson, James W.....	375 00	.....	
138	White, R. L.....	80 00	.....	
139	Wright, E.....	28 80	.....	
Total not heard from..		50,868 25		

AGRICULTURAL COLLEGE LAND-SCRIP.

MAY 24, 1872.—Ordered to be laid on the table and printed.

Mr. JOHN T. WILSON, from the Committee on Agriculture, submitted the following

REPORT:

In compliance with the resolution of the House of January 16, 1872, instructing the Committee on Agriculture to inquire and report the disposition made by the several States of the land-scrip issued to them, respectively, under the act of Congress approved July 2, 1862, whether the same has been located or sold, and, if sold, how the proceeds and interest thereon have been appropriated; and whether one or more agricultural colleges have been established in the said States, respectively, or any legislative provision made therefor, the committee respectfully submit the following report, the material for which has been received mainly through the Agricultural Department:

It appears that with the exception of Arkansas and Florida, the whole number of States have received their quota of agricultural scrip granted by the act of Congress approved July 2, 1862, all of which, with the exceptions of Florida, Louisiana, and Nevada, have established agricultural colleges.

ALABAMA

Accepted the national grant December 31, 1868, and received scrip for 240,000 acres, which was sold for \$216,000. This sum has not yet been invested as a permanent fund.

The "Agricultural and Mechanical College of Alabama" was established at Auburn, February 22, 1872.

ARKANSAS

Accepted the grant January 31, 1867, and has fully complied with the requirements of the act of July 2, 1862, by establishing the "Arkansas Industrial University," March 27, 1871; and, in addition, individuals, the town of Fayetteville, and the county and State, acting with extreme liberality, have donated and appropriated in the aggregate \$180,000 in cash and bonds for its benefit. The State has not yet received the land-scrip for 150,000 acres, to which it is entitled, for the reason that the honorable Secretary of the Interior holds the same as security for a certain indebtedness of the State of Arkansas to the Chickasaw Indian trust fund, incurred anterior to the late rebellion.

CALIFORNIA

Accepted the grant March 13, 1864, and received 150,000 acres of land, located within her own limits. On the 31st of March, 1866, the legislature of the State established the "Agricultural, Mining and Mechanic Arts College," which was subsequently connected with the University of California, located at Oakland, and the congressional grant was given to the university for its support. The land has not yet been sold.

CONNECTICUT

Accepted the grant December 24, 1862, and received scrip for 180,000 acres of land, which was sold for \$135,000, from which an annual income of \$8,100 is derived.

The Sheffield Scientific School was established in connection with Yale College, and, though no experimental farm is attached, they expect so thoroughly to instruct the students in the science of agriculture that the practical part may be easily acquired.

DELAWARE

Accepted the grant February 7, 1867, and received scrip for 90,000 acres of land, which was sold for \$78,400. This sum was invested in Delaware State bonds at 6 per cent. interest; and yields an annual income of \$4,704. The permanent fund has received an addition of \$4,800, increasing the amount to \$83,200. The State has established an agricultural college at Newark.

FLORIDA

Accepted the congressional grant of land-scrip for 90,000 acres January 30, 1869. The scrip has not yet been delivered, and no agricultural college has been established.

GEORGIA

Accepted the grant March 10, 1866, and received scrip for 270,000 acres of land, which was sold in January, 1872, for \$243,000, \$50,000 of which has been paid. The remainder is to be paid in eighteen months, and the whole to be invested in bonds of the State bearing 7 per cent. interest.

The State has established an industrial institution at Athens called the Georgia State College of Agriculture and Mechanic Arts, in connection with the University of Georgia.

ILLINOIS

Accepted the grant February 14, 1863, and received scrip for 480,000 acres of land, and transferred it to the "Illinois Industrial University," at Urbana, which was established in accordance with the provisions of the act of July 2, 1862, and is still held by that institution. The legislature by several appropriations has given \$180,000, which has been expended in the college and its appointments. Seventy-five thousand dollars being appropriated by the present legislature to commence the

erection of a building which is to cost \$150,000. The endowment fund, which is invested in Illinois State bonds and other secured property, amounts to nearly \$500,000.

INDIANA

Accepted the national grant March 6, 1865, and received scrip for 390,000 acres of land, which was sold for \$212,238.50. This sum was invested in United States 5 per cent. bonds. The accrued interest thereon amounts to \$70,371.06, making a total of \$282,609.56 derived from the congressional grant, which, together with an individual endowment of \$150,000, and \$50,000 from the county of Tippecanoe, and \$40,000 as the value of the farm, reaches \$522,609.56 as the total fund of the college. The annual income from the proceeds of the land-scrip amounts to \$17,500.

IOWA

Accepted the land-scrip September 11, 1862, for 240,000 acres, but in consequence of selecting a portion in double-minimum lands diminished the number to 204,309 acres, which was located within her own limits. The State transferred the land to the State Agricultural College, March 29, 1866, and it is still held by that institution. This land brings an annual income of \$31,769. The college was in operation previous to receiving the national endowment.

KANSAS

Accepted the grant February 3, 1863, and selected lands within her own borders. The number of acres was diminished from 90,000 to 82,216, in consequence of locating a portion in double-minimum lands; 44,266 acres were sold for \$188,797, which sum was invested in State bonds, school-district bonds, and real-estate security. The annual income derived from the fund invested and rents from the unsold portion of lands amounts to \$23,000. The provisions of the act of July 2, 1862, have been complied with, and the State has established a college at Manhattan, which is in a very prosperous condition.

Reckoning the unsold lands at \$5 per acre, the total fund amounts to \$378,542.

KENTUCKY

Accepted the grant January 27, 1863, and received scrip for 330,000 acres of land, which was sold for \$165,000. This sum was invested in Kentucky State bonds bearing 6 per cent. interest, from which an income of \$9,900 is annually derived. The State has an agricultural college, located at Lexington, which cost \$350,000. The fund has been augmented by endowments to \$433,700, and the total income amounts to \$35,000 annually.

LOUISIANA

Accepted the congressional grant March 5, 1869, and received land-scrip for 210,000 acres, which was sold for \$182,630, and the proceeds invested in 6 per cent. Louisiana State bonds, from which an annual income of \$17,600 is derived. No college has been established.

MASSACHUSETTS

Accepted the grant April 27, 1863, and received scrip for 360,000 acres of land, which was sold for \$236,307, of which \$29,778 was invested in the college farm, the remainder in United States bonds; in Massachusetts State bonds, bearing interest at 5 per cent., gold; in city of Salem bonds, 6 per cent., and in city of Lynn bonds, 6 per cent.

The legislature has increased the permanent fund in care of the State to \$350,000, which sum yields an annual income of \$21,000, two-thirds of which are received by the agricultural college at Amherst, and the remaining third by the institute of technology at Boston, both of which are in a highly prosperous condition. The State has appropriated, at different times, for the benefit of the colleges, \$430,000, and this sum has been increased from other sources to \$530,000.

MAINE

Accepted the grant March 25, 1866, and received land-scrip for 210,000 acres, which was sold for \$102,131. This sum was invested in Maine State 6 per cent. bonds, Minnesota Valley Railroad Company bonds, and Bangor City 6 per cent. bonds, from which \$8,458 is annually realized. The scrip fund now amounts to \$134,300. The State has an agricultural and mechanic arts college, located at Orona.

MARYLAND

Accepted the grant February 17, 1864, and received scrip for 210,000 acres of land, which was sold for \$111,000. One-tenth of this sum was put in the State treasury, and the balance invested in Southern relief bonds, from which an annual income of \$12,072 is derived. The State has an agricultural college, located at Hyattsville.

MICHIGAN

Accepted the provisions of the grant February 25, 1863, and, instead of the land-scrip for 240,000 acres, took 235,673 acres of lands within her own limits, diminished 4,327 acres in consequence of selecting a portion in double-minimum lands; 27,874 acres were sold for \$92,444, which sum yields an annual income of \$6,471. We have received no information in regard to the mode of investment.

The State Agricultural College, at Lansing, was opened as an industrial institute before receiving the national endowment.

MINNESOTA

Accepted the grant February 18, 1868, and located lands within her own limits. Her quota was diminished from 120,000 acres to 94,119 acres, in consequence of taking a portion in double-minimum lands; 22,394 acres were sold for \$128,266; from which sum an annual income of \$7,557 is derived. The College of Agriculture and Arts, at Saint Anthony, was opened in 1867.

MISSISSIPPI

Accepted the national grant October 30, 1866, and received land-scrip for 210,000 thousand acres. By an act of the legislature of 1871,

84,000 acres of the grant were given to the University of Mississippi, and the remaining 126,000 acres to the Alcorn University for the purpose of establishing an industrial college in each. The whole amount of scrip was sold for \$189,000, which was invested in Mississippi State bonds, from which is realized an annual income of \$8,000. The colleges have been incorporated, but are not yet opened.

MISSOURI

Accepted the grant March 17, 1863, and received land-scrip for 330,000 acres, 247,500 of which was appropriated for the Agricultural and Mechanical College, and 82,500 acres for the School of Mines and Metallurgy, located at Rolla. None of this land has yet been sold. The land was selected within her own limits, and yields in rents \$4,250 annually.

NEBRASKA

Accepted the grant February 13, 1869, and received land-scrip for 90,000 acres; and, in addition, received by act of Congress, approved April 19, 1864, 72 sections of land for the support of a State university, all of which remain unsold. The Agricultural College was incorporated February 15, 1867, but has not yet been opened.

NEVADA

Accepted the national grant, February 13, 1867, and received land-scrip for 90,000 acres, which was located within the limits of the State; none of which has been sold, and no industrial institute has been established.

NEW HAMPSHIRE

Accepted the national grant, July 9, 1863, and received land-scrip for 150,000 acres, which was sold for \$80,000, from which sum an income of \$4,800 annually is derived. The State College of Agriculture and Mechanic Arts was established at Hanover, in 1868. We have received no information as to how the fund was invested.

NEW JERSEY

Accepted the grant April 14, 1863, and received scrip for 210,000 acres of land, which was sold for \$116,000. The proceeds were invested in New Jersey State 6 per cent. bonds, from which is derived an annual income of \$6,960. The Rutgers College Scientific School was opened September 30, 1865.

NEW YORK

Accepted the national grant April 14, 1863, and received land-scrip for 990,000 acres, part of which was sold for \$473,402. The fund was given to the Cornell University for the support of a College of Agriculture, and a College of Mechanic Arts, both of which were opened at Ithaca, April 27, 1865. The permanent fund furnishes an annual income of \$27,887. The endowments of the University fund make the total of \$1,101,998, which yields an annual revenue of \$64,917.

NORTH CAROLINA

Accepted the grant February 24, 1866, and received land-scrip for 270,000 acres, which was transferred to the University of North Carolina on condition that an agricultural and mechanic arts college should be established and maintained in conformity with the requirements of the act of Congress of July 2, 1862. The scrip was sold for \$135,000, which was invested in North Carolina State bonds, most of which were special tax bonds, and which are now largely below their par value. The college has not yet been opened, and the State is at present deprived of the advantage which the institution was designed to confer.

OHIO

Accepted the land-grant February 9, 1864, and received land-scrip for 630,000 acres, which was sold for \$342,451. The proceeds are in the State treasury paying 6 per cent. interest. Franklin County has donated \$300,000, and the State Agricultural and Mechanical College is now being built at Columbus, and is expected to be ready for occupation before the close of 1872.

OREGON

Accepted her scrip for 90,000 acres October 9, 1862, and received in lieu thereof land within her own limits, which remains unsold. Cornwallis College was adopted as the Agricultural College of the State by an act of the legislature approved October 27, 1868.

PENNSYLVANIA

Accepted the grant April 1, 1863, and received scrip for 780,000 acres, which was sold for \$439,186, of which \$43,886 are invested in the experimental farms, \$132,625 in United States bonds, and \$262,675 in Pennsylvania State bonds, aggregating an annual income of \$24,000. The State Agricultural College was located in Centre County, and was opened previous to receiving the national endowment.

RHODE ISLAND

Accepted the grant January 27, 1863, and received land-scrip for 120,000 acres, which was sold for \$50,000, from which an annual income of \$3,000 is derived.

According to the act of incorporation of the college the proceeds of the scrip were to be invested in stocks of the United States or Rhode Island. They are probably thus invested. An agricultural and scientific department has been established in connection with Brown University.

SOUTH CAROLINA

Accepted the grant December 10, 1868, and received land-scrip for 180,000 acres, which remains unsold. The State Agricultural College and Mechanics' Institute was established at Orangeburgh March 12, 1872.

TENNESSEE

Accepted the congressional grant February 18, 1868, and received land-scrip for 300,000 acres, which was sold for \$271,875, from which

sum an annual income of \$24,000 is derived. The fund was given to the East Tennessee University, and the State Agricultural College was established at Knoxville September 12, 1869. The proceeds of the land-scrip are invested in Tennessee State bonds purchased at a discount of 17 per cent. and bearing 6 per cent. interest.

TEXAS

Accepted the grant November 1, 1866, and received land-scrip for 180,000 acres, which was sold for \$156,600. This sum was invested in frontier-defense bonds of the State, bearing interest at 7 per cent. in gold, making the annual income \$10,962. An agricultural college has been established at Bryan.

VERMONT

Accepted the grant December 1, 1862, and received land-scrip for 150,000 acres, which was sold for the sum of \$143,000, from which an annual income of \$8,580 is derived. An agricultural college was established at Burlington September 1, 1866.

VIRGINIA

Accepted the grant February 5, 1864, and received land-scrip for 300,000 acres, which was sold May 1, 1872, for \$285,000. This sum has not yet been invested. By an act of the legislature, approved March 19, 1872, the annual interest accruing from two-thirds of the proceeds of the land-scrip was appropriated to the Preston and Olin Institute, and the interest on the remaining third to the Hampton Normal and Agricultural Institute.

WEST VIRGINIA

Accepted the grant October 3, 1863, and received land-scrip for 150,000 acres, which was sold for \$90,000. This sum is invested in United States bonds, and yields an annual income of \$5,400. The West Virginia University is the recipient of the fund and has established an agricultural department. The legislature makes an annual appropriation of \$10,000 to the permanent endowment fund, with an addition of a sufficient sum to meet the annual deficit which is now incurred.

WISCONSIN

Accepted the land-scrip April 2, 1863, for 240,000 acres, but received in lieu thereof land within her own limits, 153,400 acres of which were sold for \$182,970. This sum was invested in United States bonds, mortgages, &c., from which an income of \$12,000 is annually derived. The College of Arts was opened at Madison September 15, 1869.

RECAPITULATION.

State.	Date of acceptance of United States scrip or land by the State.	Acres in United States scrip or land apportioned to and received by the State.	Amount for which United States scrip or land was sold for endowment of agricultural and mechanical college.	Date of incorporation of agricultural and mechanical college of United States scrip or land.	Date of opening of agricultural and mechanical college.	Annual interest on fund derived from sale of U. S. land or scrip.
Alabama.....	December 31, 1868	(All sold) 240,000	\$216,000	March 27, 1871	(Not opened.)	(None.)
Arkansas.....	January 31, 1867	(Not delivered) 150,000		March 31, 1866		
California.....	March 13, 1864	(All sold) 150,000†		June 24, 1863	September —, 1847§	\$8,100
Connecticut.....	December 24, 1862	(All sold) 180,000	135,000	March 14, 1867	September 14, 1870	4,704
Delaware.....	February 7, 1867	(All sold) 90,000	78,400			(None.)
Florida.....	January 30, 1869	(Not delivered) 90,000				
Georgia.....	March 10, 1866	(All sold) 270,000	243,000	February 28, 1867	March 2, 1868	
Illinois.....	February 14, 1863	480,000		May 6, 1869	(Not opened.)	17,500
Indiana.....	March 6, 1865	(All sold) 390,000	212,238	March 29, 1866	October 21, 1868	31,969½
Iowa.....	September 11, 1862	(none sold) 204,309†				
Kansas.....	February 3, 1862	{ 240,000† } { 35,691 } { 90,000† } { 7,784 }	188,797	February 16, 1863	September —, 1863	23,000
Kentucky.....	January 27, 1863	(All sold) 330,000	165,000	February 22, 1865	October 1, 1866	9,900
Louisiana.....	March 5, 1869	(All sold) 210,000	182,630	February 25, 1865	September —, 1868	17,160
Maine.....	March 25, 1866	(All sold) 210,000	102,131	April 27, 1863	October —, 1859§	8,458
Maryland.....	February 17, 1864	(All sold) 210,000	111,000	{ April 27, 1863 } { April 27, 1863 }	February 5, 1865	12,072
Massachusetts.....	April 18, 1863	108,000 } 252,000 }	236,307	March 18, 1863	October 2, 1867	4,232
Massachusetts.....	April 18, 1863	{ 108,000 } { 252,000 }	{ \$68,843 } { 167,464 }			8,464
Michigan.....	February 25, 1863	{ 240,000† } { 4,327 }	92,444	February 18, 1863	May 13, 1857§	6,471
Minnesota.....	February 14, 1863	{ 120,000† } { 25,881 }	128,266	February 18, 1868	October —, 1867	7,537
Mississippi.....	October 30, 1866	84,000 } 126,000 }	{ 75,600 } { 113,400 }	{ May 10, 1871 } { May 10, 1871 }	(Not opened.)	8,000
Mississippi.....	October 30, 1866			{ May 3, 1870 } { May 3, 1870 }	(Not opened.)	12,000
Missouri.....	March 17, 1863	(none sold) 330,000†		February 15, 1869	September —, 1870	3,000||
Missouri.....	March 17, 1863	247,500 } 82,500 }			November 23, 1871	1,250||
Nebraska.....	February 13, 1869	(None sold) 90,000†			(Not opened.)	(None.)
Nevada.....	February 13, 1867	(All sold) 150,000	80,000	July 9, 1866	September —, 1868	(None.)
New Hampshire.....	July 9, 1863	(All sold) 150,000	116,000	April 27, 1865	September 30, 1865	4,800
New Jersey.....	April 14, 1863	(All sold) 210,000	473,402	{ April 27, 1865 } { April 27, 1865 }	October 7, 1868	6,960
New York.....	March 14, 1863	(Part sold) 990,000	135,000	March 22, 1870	October 7, 1868	27,887
New York.....	March 14, 1863	(All sold) 270,000	342,451	October 27, 1868	(Not opened.)	
North Carolina.....	February 24, 1866	(All sold) 630,000	439,186	February 19, 1867	(Not opened.)	27,579
Ohio.....	February 9, 1864	(All sold) 90,000†	50,000	January 27, 1863	November —, 1868	24,000
Oregon.....	October 9, 1862	(All sold) 780,000			February 16, 1859§	3,000
Pennsylvania.....	April 1, 1863	(All sold) 120,000			September —, 1867	
Rhode Island.....	January 27, 1863	(All sold) 180,000				
South Carolina.....	December 10, 1868	(All sold) 300,000	271,875	January 16, 1869	September 12, 1869	24,000
Tennessee.....	February 18, 1868					

Texas	November 1, 1866	(All sold) 180,000	156,600	April 17, 1871	(Not opened.)	10,962
Vermont	December 1, 1862	(All sold) 150,000	143,000	November 22, 1864	September 1, 1866	8,580
Virginia	February 5, 1864	300,000	.....	.....	.....	.....
West Virginia	October 3, 1863	(All sold) 150,000	90,000	February 7, 1867	March 6, 1867	5,400
Wisconsin	April 2, 1863	(153,400 sold) 240,000 †	182,970	February 18, 1868	September 15, 1869	12,000

† States which have received land within their own limits instead of scrip.
‡ Number of acres diminished in consequence of selecting a portion in double-minimum lands.
§ Was opened as an industrial institution before receiving the national endowment of scrip or land.
|| Revenue derived from rent of lands unsold.

House documents

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